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**THIRD REPORT SUBMITTED BY FINLAND
PURSUANT TO ARTICLE 25, PARAGRAPH 2
OF THE FRAMEWORK CONVENTION FOR
THE PROTECTION OF NATIONAL MINORITIES**

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**THIRD PERIODIC REPORT
ON IMPLEMENTATION OF THE
FRAMEWORK CONVENTION
ON THE PROTECTION
OF NATIONAL MINORITIES**

FINLAND

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INTRODUCTION

The Committee of Ministers of the Council of Europe adopted the Framework Convention for the Protection of National Minorities in November 1994. Finland has been a Party to the Framework Convention since 1998, when the Convention entered into force internationally. The Framework Convention is included in the Treaty Series of the Statutes of Finland, under numbers 1–2/1998.

The Framework Convention is the first legally binding multilateral instrument ever devoted to the protection of national minorities. It is also the first international instrument that brings the 1992 UN Declaration on the Rights of Persons Belonging to National or Ethnic, Religious or Linguistic Minorities into force at regional level. The Framework Convention contains programme-type definitions of the principles obligating the Parties to protect their national minorities. The provisions of the Framework Convention on the legal position of persons belonging to minorities have to be implemented through national legislation, appropriate governmental policies or by concluding bilateral or multilateral treaties.

The evaluation of the implementation of the Framework Convention by the Parties is carried out by the Committee of Ministers of the Council of Europe, assisted by an Advisory Committee. The Party shall, on a periodical basis, transmit to the Council of Europe full information on the legislative, judicial and administrative measures taken to give effect to the principles and rights recognised in the Framework Convention. The information shall include a response to the recommendations adopted by the Committee of Ministers on the implementation of the Framework Convention. The second recommendations concerning Finland, adopted by the Committee of Ministers in January 2007, are appended to this report.

The Advisory Committee examines the report and gathers further information to support its conclusions by visiting the Party. After the examination, the Advisory Committee gives its conclusions and draft recommendations to the Committee of Ministers. The Committee of Ministers then makes the final decisions concerning the adequacy of the implementation of the Framework Convention in the Party and recommends possible additional measures.

This is the third periodic report of the Government of Finland on the implementation of the Framework Convention. The report covers the period between July 2004 and May 2009.

Further information

For further information on human rights conventions and on periodic reports related to the monitoring of their implementation, please contact the Ministry for Foreign Affairs of Finland, Legal Service, Unit for Human Rights Courts and Conventions, at the following address:

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PART I

A. FOLLOW-UP OF RESULTS OF SECOND MONITORING CYCLE OF IMPLEMENTATION OF THE FRAMEWORK CONVENTION

On 3 May 2007 the Unit for Human Rights Courts and Conventions of the Ministry for Foreign Affairs and the Secretariat of the Advisory Committee for the Council of Europe's Framework Convention for the Protection of National Minorities arranged together a seminar to follow up the implementation of the Framework Convention. The seminar was attended by approximately 50 representatives of different authorities and non-governmental organisations, which conducted a lively discussion. The seminar permitted direct discussion on the position of minorities and increased, at the general level, awareness on minority rights in Finland.

The final conclusions and recommendations of the Committee of Ministers concerning the implementation of the Framework Convention have been communicated to a large number of authorities, and the responsibility for taking any measures lies within each sector of administration.

B. PUBLICATION OF RESULTS OF SECOND MONITORING CYCLE

The Framework Convention, together with its Finnish and Swedish translations, has been published in the Treaty Series of the Statutes of Finland, which is available in the largest public libraries. In addition, the text of the Framework Convention is available in the FINLEX database of legislation¹ and on the Internet site of the Ministry for Foreign Affairs². The Internet may be used free of charge at public libraries.

The second periodic report of the Government on the implementation of the Framework Convention was published on the Internet site of the Ministry for Foreign Affairs. The periodic reports on the implementation of human rights instruments are found at web address <<http://formin.finland.fi>>. Also the third report of the Government on the implementation of the Framework Convention will be published on the website as soon as possible and sent out to a large number of authorities and non-governmental organisations for information.

The Advisory Committee's report and the Government's comments relating to it were communicated to government authorities and non-governmental organisations for information and comments on 22 March 2006.

The Ministry for Foreign Affairs gave out a press release on the final recommendations of the Committee of Ministers regarding the implementation of the Framework Convention on 2 February 2007. Immediately after their adoption the recommendations were translated into both national languages of Finland, i.e. Finnish and Swedish. On 5 February 2007 the Finnish, Swedish, English and North Sámi texts of the recommendations were communicated to a

1 <<http://www.finlex.fi>>.

2 <<http://formin.finland.fi>>.

large number of actors for information. These actors included the Office of the President of the Republic, the Prime Minister's Office, all the Ministries, the Parliament, the Parliamentary Ombudsman, the Office of the Chancellor of Justice, the Office of the Prosecutor General, the Sámi Parliament, the Association of Finnish Local and Regional Authorities, research institutes specialised in human rights and a number of non-governmental organisations representing minorities. The recommendations were accompanied with a note advising that the recipients disseminate them as widely as possible. The recommendations are available in Finnish, Swedish, North Sámi, English and French at the website of the Ministry for Foreign Affairs.³

The Unit for Human Rights Courts and Conventions of the Legal Service of the Ministry for Foreign Affairs will, upon request, provide materials relating to the text of the Framework Convention, the legislation implementing it and the monitoring of its implementation, and respond to enquiries concerning the rights and obligations deriving from the Framework Convention. The contact information of the Unit is given in the introduction to the present report.

C. CONTRIBUTION OF CIVIC SOCIETY TO IMPLEMENTATION OF THE FRAMEWORK CONVENTION AND MEASURES TO DEVELOP THIS CONTRIBUTION

In Finland, two-phase contribution of civic society to periodic reporting on human rights has become a well-established practice. Representatives of civic society may express their views for the preparation of periodic reports already in the drafting phase. In addition to the first request for material, civic society is offered an opportunity to comment on the draft periodic report. Discussions on draft reports are organised in order to give the Government and civic society an opportunity of direct conversation.

A discussion meeting on the third periodic report of Finland on the implementation of the Framework Convention was organised on 11 August 2009 at the Ministry for Foreign Affairs. Altogether 37 different authorities, advisory boards and associations were invited to participate in the meeting. The discussion was attended by representatives of the national Parliament, the Ministry of Transport and Communications, the Ministry of the Environment, the Ministry of Employment and the Economy, the Ministry of Finance, the Ministry of Defence, the Sámi Parliament, the Finnish League for Human Rights, the Jewish Congregation of Helsinki, the Swedish Assembly of Finland (Svenska Finlands folkting) and the Advisory Board for Human Rights.

Moreover, opinions or propositions for changes concerning the draft report were provided in writing by the Ministry of the Interior, the Ministry of Transport and Communications, the Ministry of Social Affairs and Health, the Ministry of the Environment, the Prosecutor General's Office, The Swedish Assembly of Finland, Central Union for Child Welfare in Finland, Advisory Board on Romani Affairs, the Sámi Parliament, the Finnish Ingria Association and the League of Russian-Speaking Associations.

3 <<http://formin.finland.fi>>.

The Ministry for Foreign Affairs, which is responsible for the periodic reporting, has expressed the wish that different authorities and representatives of civic society would regularly inform the Ministry about the implementation of the Framework Convention as well as other human rights conventions in Finland.

The provision of information by the Ministry about the periodic reporting and the recommendations is discussed in the previous paragraph.

D. DISCUSSION WITH THE ADVISORY COMMITTEE

As to the discussion with the Advisory Committee, reference is made to the seminar organised in spring 2007, described under Part I.A.

PART II

A. RECOMMENDATIONS OF THE COMMITTEE OF MINISTERS

RECOMMENDATION 1

The authorities are invited to address shortcomings encountered in the implementation of the new language laws, which pertain to Swedish and the Sámi languages, and to take into account the language situation of the Russian-speakers in the provision of public services.

The Ministry of Justice monitors the enforcement and application of the Language Act (423/2003) and the Sámi Language Act (1086/2003).

According to Section 36 of the Language Act, each authority supervises the application of the Act within its own area of operation. Subsection 2 of the above provision obliges the Ministry of Justice to issue recommendations in questions related to legislation on national languages and, when necessary, take initiatives and undertake other measures in order to rectify defects it has observed in the enforcement of the Language Act.

To facilitate this task, the Ministry has, among other measures, conducted questionnaire studies addressed to various authorities, organized training on language legislation in co-operation with other interest groups and distributed information on the Language Act and related language legislation. By virtue of Section 37 of the Language Act, the Ministry of Justice prepares a report to the Parliament on the application of language legislation once each electoral period. In its monitoring function, the Ministry is assisted by the *Advisory Board on Language Affairs*, the activities of which have been regulated in the Governmental Degree on the Enforcement of the Language Act.⁴ The first Advisory Board was mandated for the period from 15.6.2004 to 31.12.2007 and the second from 1.1.2008 to 31.12.2011.

In its *report on the application of language legislation*, published for the first time in 2006, the Government proposed that in legislative work and decision-making the influence of each decision on the possibilities to implement linguistic rights should be evaluated.⁵ According to the report, such things as the insufficient knowledge of Swedish among civil servants are problematic from the standpoint of applying the Language Act. Therefore it is important to recognise the significance of knowing the two national languages, Finnish and Swedish, as early as in basic and secondary education. *The second report of the Government on the application of language legislation* was adopted for submission to the Parliament on 26 March 2009.⁶

Section 2 of the Act on the Knowledge of Languages Required of Personnel in Public Bodies (424/2003) provides that an authority shall ensure, by organising lessons and through other personnel policy measures, that its personnel has a sufficient knowledge of languages in order

4 Degree on the Enforcement of the Language Act (433/2004).

5 Report of the Government on the Application of the Language Legislation 2006. Ministry of Justice 2006, <<http://www.om.fi/en/Etusivu/Julkaisut>>.

6 Report of the Government on the Application of the Language Legislation 2009. Ministry of Justice 2009, <<http://www.om.fi/en/Etusivu/1236880953561>>.

to attend to the tasks of the authority in accordance with the requirements of the Language Act (423/2003) and of other legislation. Section 3 of the Act provides that when a person is being recruited for an official position or otherwise for service, it shall be verified that his or her knowledge of languages meets the linguistic requirements for the work assignments.

In October 2003, in order to improve the opportunities for citizens to conduct transactions and the functioning of services in the two national languages, the Ministry of Finance launched a project to support the implementation of the new Language Act. The project group published its final report '*Provision of Services on Customer's Mother Tongue*' in January 2005.⁷ The project examined the functioning of transactions conducted by citizens in their own language from the viewpoint of good administration and of requirements made of the administration management system. The final report contained recommendations on integrating the language aspect into administrative strategies, performance management and the organisation of public service production. It was further recommended that language skills should be taken into account in preparing human resources strategies, in recruitment and in applying new pay systems.

The report on the provision of services on customers' mother tongue also contained criteria which public organisations may use when assessing the need to develop services from the language point of view. These self-assessment criteria, based on the *European CAF criteria (Common Assessment Framework)*, have also permitted describing the best practices for promoting transactions on customers' own language.

In December 2005 the Ministry of Finance, at the initiative of Swedish-speaking non-governmental organisations, in connection with the Citizen Participation Policy Programme, set up a cooperation group entitled *SAG (Samarbetsgruppen)*. A number of Swedish-speaking non-governmental organisations and several ministries were represented in the group, which issued its final report in September 2008. In this report, entitled "*Better interaction – Better preparation*", the group proposed key interaction practices to be used in the cooperation between the ministries and non-governmental organisations, in general, and for enhancing cooperation with Swedish-speaking organisations, in particular.⁸

The Ministry of Finance measures customer satisfaction with public administration annually, by means of *quality barometers*. Since the barometers now also contain questions about the satisfaction with public services among citizens from different language groups, they are expected to provide systematic future information about the trends of satisfaction with services in different language groups.

Pursuant to Section 29 of the Sámi Language Act (1086/2003), the Sámi Language Bureau of the Sámi Parliament issued in 2008, jointly with the Sámi Language Council appointed by this Parliament, *a report on the implementation of the Sámi Language Act in 2004–2006*.⁹ This report, given to the Ministry of Justice, is based on a more comprehensive study of 400 pages, which is annexed to the report.

7 Provision of Services on Customer's Mother Tongue. Ministry of Finance, Working Group Papers 15/2004.

8 Better interaction – Better preparation. Publications of the Ministry of Finance 35/2008.

9 Saamen kielilain toteutuminen vuosina 2004–2006 (The Implementation of the Sámi Language Act from 2004 to 2006). The Sámi Parliament 2008.

According to the above report, the number of Sámi-speaking persons employed by local authorities and government offices has not changed in fact. Neither has the Act essentially improved the knowledge of the Sámi language among authorities and civil servants. The report shows, however, that the Act has made local authorities correct their practices related to the Sámi language.

Section 31 of the Sámi Language Act provides that an appropriation shall be included in the state budget for purposes of state support to municipalities, parishes, herding cooperatives within the Sámi Homeland and private entities referred to in Section 18 of the Act, for covering the specific additional costs of applying the Act. In recent years the state support made available under this provision has amounted to a total of EUR 130,000 per year. Such support has been sought not only for translation, interpretation and advertising costs but also for covering costs incurred by local authorities from providing Sámi language teaching to their staff.

RECOMMENDATION 2

The authorities are invited to take rapid measures to address disputes over the ownership and use of land in the Sámi Homeland, through negotiation with the Sámi Parliament and others concerned.

For a long time, Finland has made efforts to solve the question of Sámi land rights by way of legislation, but without success so far. Different solutions have been proposed during the years with the aim to reach a balanced solution that complies with Finland's international obligations and ensures that not only the Sámi but also the other local inhabitants may influence the way of arranging the use of their living areas. It has been found necessary to safeguard the other inhabitants' right to participate in the arrangements, because in some places Sámi people and the others have lived as neighbours and carried on the same trades throughout centuries. However, the question of rights to own and use lands has proved to be very complex and difficult. Therefore a thorough legal-historical study on the settlement and population and the development of trades and land-use rights in the Sámi Homeland was conducted in 2003–2006. This *study on land rights in Upper Lapland* also dealt with the connection of this development to the settlement. The study report, submitted to the Ministry of Justice on 24 October 2006, did not bring a resolution to the problem.

In its Government Programme, Prime Minister Matti Vanhanen's second Cabinet, elected after the parliamentary election of 2007, has committed itself to securing the right of the Sámi people to maintain and develop their own language and culture under the cultural autonomy provisions of the Constitution.¹⁰ In this context the Ministry of Justice has negotiated about the setting up of a new preparatory body with the Ministry of Agriculture and Forestry and the Sámi Parliament. The negotiations on the land use rights in the Sámi Homeland are still going on.

RECOMMENDATION 3

¹⁰ Government Programme of Prime Minister Matti Vanhanen's second Cabinet,
<<http://www.valtioneuvoisto.fi/hallitus/hallitusohjelma/pdf/en.pdf>>.

The authorities are invited to encourage further development of minority language media and review the current subsidy system with a view to ensuring that it takes into account the specific situation of minority language print media.

In June 2007, pursuant to the Government Programme of 2007, the Government decided to grant so-called *selective press subsidies*.¹¹ The decree of the Ministry of Transport and Communications on press subsidies was amended correspondingly in June 2008. Earlier, press subsidies were granted mainly to political press only. In the state budget for 2008, an amount of EUR 500,000 was appropriated for supporting newspapers published in minority languages, corresponding electronic publications and news services provided in Swedish. Thus, selective press subsidies may be sought for newspapers and network publications published in Swedish, Sámi, Roma and sign language, and for news services in Swedish. The subsidies are intended to promote the freedom of expression and multi-faceted and pluralistic communication.

Support to minority-language media is discussed more thoroughly on page 47.

RECOMMENDATION 4

The authorities are invited to expand the availability of minority language education – including Russian, Roma as well as the Sámi languages outside the Sámi Homeland – and step up efforts to address various problems faced by Roma in the educational system.

The Ministry of Education has entrusted the *Giellagas Institute*, established in 2001 at the University of Oulu, with the national responsibility for teaching and researching the Sámi language and culture at the highest level. The Sámi language and culture may be studied at three universities in Finland – the universities of Oulu, Helsinki and Lapland –, but Oulu is the only place where the Sámi language or the Sámi culture may be studied as a main subject up to a doctor's degree.

The Ministry of Education has supported the training of subject teachers of the Sámi language by granting separate funding to the Giellagas Institute. The Institute coordinates the training of subject teachers of Sámi. Four such teachers have graduated from the Institute and eight are being trained. The training has improved the availability of Sámi-speaking teachers, but the low number of applicants for the training causes difficulties in arranging it. In 2009 the Institute is examining new needs and opportunities for arranging the training, in order to satisfy the need for qualified subject teachers of the Sámi language.

Sámi language education and education in Sámi languages are discussed more thoroughly under Article 14.

In 2004 the Finnish National Board of Education published *a survey on the status of Roma children's basic education ("Romanilasten perusopetuksen tila")*.¹² The survey, based on field studies and statistics, was conducted mainly in 2001 and 2002. It showed that one fifth of all Roma pupils had been kept down a year, mostly at the early stages of their basic education. Further, Roma pupils were absent from school to an alarming extent and dropped out of

11 Government Programme of Prime Minister Matti Vanhanen's second Cabinet <<http://www.vn.fi/hallitus/hallitusohjelma/pdf/en.pdf>>, page 70.

12 Romanilasten perusopetuksen tila. Selvitys lukuvuodelta 2001-2002 (The Status of Roma Children's Basic Education. A Report from the School Year 2001-2002). Opetushallitus 2004, available in Finnish at <http://www.edu.fi/julkaisut/romanilasten_001-060.pdf>.

school considerably often. The proportion of Roma children and young people placed in special needs education was very large compared with the majority population. Moreover, many Roma children and young people in special needs education followed an adapted curriculum, which did not permit access to general upper secondary education or all vocational education. The number of Roma pupils who changed over to home teaching was many times higher than the average among all population groups. The report showed that only a few Roma children, about every tenth of them, received teaching in the Roma language at school. Furthermore, cooperation between Roma homes and school was found to be inadequate, and teachers were not sufficiently familiar with the Roma culture. Results from field projects, in turn, have indicated that the difficulties met by Roma children at school are partly caused by indirect discrimination against them, which mainly manifests itself as lack of intervention and transfers to special classes, and by direct discrimination in the form of bullying at school.

After the report was published, efforts have been made to develop special means to support Roma children and young people by training school assistants with a Roma background, by employing liaison workers for improving contacts between home and school and by developing other forms of positive special treatment. Regrettably only a few municipalities have established these forms of support on a permanent basis.

In 2009 a survey is being conducted, under a national anti-discrimination campaign, to examine the processes of transfers of Roma children, children with an immigrant background and disabled children to special classes, and to study the consequences of these transfers from the standpoint of equality.

Roma pupils drop out of school more often than the overall national average already during basic education, thereafter or during post-basic education. One explanation offered, partly due to the Roma culture, is that Roma people tend to set up families at a very young age. Most often they start vocational education as adults. Further, the Roma population has members beyond the compulsory school age who cannot utilise the opportunities offered by general upper secondary schools for adults in order to complete their basic education.

The educational opportunities for the Roma population after basic education are being improved in cooperation between two providers of vocational education. Helsinki Deaconess Institute intends to establish *a centre of education for the Roma* jointly with the foundation of the Church Training College. In cooperation, these two foundations with long-standing experience of educating Roma people can offer them vocational upper secondary education and training, different types of preparatory vocational training, vocational further education and training as well as services of liberal adult education. Roma may also complete interrupted courses of basic education. The Ministry of Education has supported the project by increasing the number of student places in vocational upper secondary education and training to correspond to the activities of the centre of education to be established.

RECOMMENDATION 5

The authorities are invited to improve further the participation and consultation arrangements on minority issues, including with regard to the Russian-speaking population.

In August 2008 the Advisory Board for Ethnic Relations (ETNO) started its fourth term, which will expire in 2011. On that occasion the Advisory Board was reinforced by setting up a new *Regional Advisory Board for Ethnic Relations in Southern Finland*. The intention is

to extend the coverage of the consultation system to all minorities falling within the sphere of activity of the Advisory Board. In addition to the national Advisory Board, there are currently four Regional Advisory Boards.

RECOMMENDATION 6

The authorities are invited to improve minority participation in the allocation of cultural support for minority organisations.

The Ministry of Education has consulted cultural minorities when preparing its policy documents concerning minority cultures, for example the equality plan of the Ministry and the action plan on accessibility of arts and culture. However, it has not been considered appropriate that representatives of recipients of subsidies participate in the actual process for granting the subsidies, for this might cause inequality between the recipients and be therefore conducive to compromising objective consideration in the decision-making.

RECOMMENDATION 7

The authorities are invited to ensure that the authorities' legal obligation to negotiate with the Sámi Parliament is strictly honoured in the relevant questions.

Section 9 of the Act on the Sámi Parliament provides that authorities shall negotiate with the Sámi Parliament in all far-reaching and important measures which may directly and in a specific way affect the status of the Sámi as an indigenous people and which concern matters regulated by separate statutes in the Sámi Homeland, such as community planning, the management, use, leasing and assignment of state lands, conservation areas and wilderness areas, as well as the development of the teaching of and in the Sámi language in schools and the social and health services.

In order to fulfil its obligation to negotiate, the relevant authority must, according to the Act, provide the Sámi Parliament with the opportunity to be heard and discuss matters. Failure to use this opportunity does not prevent the authority from proceeding in the matter.

On the whole, the obligation to negotiate is complied with, and negotiations with the Sámi Parliament seem to have become an established practice for the authorities subject to the obligation. Failures to fulfil the obligation have been corrected. For example, the Supreme Administrative Court has overturned decisions of the Ministry of Trade and Industry on mining claims and a plan of the Ministry of the Environment for the management and use of certain areas on the grounds that the local Sámi communities had not been consulted for these administrative decisions.

Nevertheless, the Sámi Parliament regards that particular attention must still be paid to the negotiation obligation laid down in the Act on the Sámi Parliament. This Parliament reports that unawareness and partly even negative attitudes about the obligation continue to exist in administration and among politicians.

By virtue of the Constitution (731/1999), the supreme guardians of law, i.e. the Chancellor of Justice of the Government and the Parliamentary Ombudsman, supervise the observance of law and fulfilment of obligations by public authorities and other actors performing public

functions. In this task the supreme guardians of law monitor the implementation of basic rights and liberties and human rights.

RECOMMENDATION 8

The authorities are invited to reinforce action against incidents of discrimination and manifestations of intolerance, including in schools, and counter these phenomena with the tools available.

The basic provision on equality is laid down in the Constitution, which requires equal treatment in equal cases and prohibits putting a person in an unequal position compared with others without an acceptable reason. The prohibition of discrimination laid down in the Constitution is comprehensive and applies equally to all persons within the jurisdiction of Finland, irrespective of the ground of discrimination and the sphere of life.

In 2007 the Ministry of Justice set up *an equality committee to reform the Finnish non-discrimination legislation* by extending the protection of equality to cover more clearly all grounds of discrimination and to apply more consistently to all spheres of life.¹³ According to the mandate of the committee, also the legal remedies available and the sanctions imposable in different cases of discrimination should be as uniform as possible. The reform would also include revising, to the extent necessary, the status, duties and powers of the authorities responsible for discrimination issues. In this connection, account would be taken of the national monitoring of basic and human rights as a whole and the international requirements made of this monitoring. The committee is expected to submit its report on the need for a reform of the non-discrimination legislation in autumn 2009.

The reform will improve the current situation, where different grounds of discrimination have been treated differently. According to the Ombudsman for Minorities, it is particularly problematic that currently only part of all victims of discrimination have access to an express complaint mechanism related to a certain ground of discrimination. These complaint mechanisms are the Ombudsman for Equality for cases of gender discrimination and the Ombudsman for Minorities for cases of ethnic discrimination.

RECOMMENDATION 9

The authorities are invited to further the dialogue on the personal scope of application of the Framework Convention with those concerned.

There is nothing to report with respect to this recommendation.

¹³ EV 95/2003 vp.

B. IMPLEMENTATION OF THE FRAMEWORK CONVENTION BY ARTICLE

ARTICLE 1

The protection of national minorities and of the rights and freedoms of persons belonging to those minorities forms an integral part of the international protection of human rights, and as such falls within the scope of international co-operation.

Human rights policy and minority rights in Finland

According to the Government Programme of Prime Minister *Matti Vanhanen's second Cabinet*, appointed on 19 April 2007, Finland supports the promotion of human rights, democracy, the rule of law, and sustainable development in all parts of the world.¹⁴ The Government regards the United Nations as the most essential instrument of multilateral cooperation and will continue to support efforts to strengthen the UN's authority and capability and to increase the efficiency and effectiveness of the UN system.

The new *Government report on Finland's international human rights activities and the implementation of human rights in Finland* will be evaluated by the Parliament from autumn 2009 onwards.

International treaty obligations

After submitting the previous periodic report on the implementation of the Framework Convention, Finland ratified on 17 December 2004 Protocol No. 12 to the European Convention for the Protection of Human Rights and Fundamental Freedoms. This Protocol, which entered into force internationally on 1 April 2005, contains a general prohibition of discrimination. Protocol No. 13 to the Convention, concerning the abolition of the death penalty in all circumstances, which Finland ratified on 29 November 2004, took effect in respect of Finland on 1 March 2005.

On 13 September 2007, the General Assembly of the United Nations adopted the Declaration on the Rights of Indigenous Peoples. Finland participated actively into the 25-years long negotiations and pursued a compromise solution that would satisfy all parties. The declaration is a target-oriented, political document, which aims to enhance the rights of indigenous peoples, as well as co-operation between states and indigenous peoples.

As to international treaty obligations in other respects, reference is made to the previous periodic report.¹⁵

14 Government Programme of Prime Minister Matti Vanhanen's second Cabinet, <<http://www.vn.fi/hallitus/hallitusohjelma/pdf/en.pdf>>, page 8.

15 The second periodic report on the application of the Framework Convention on the Protection of National Minorities. Finland. December 2004, <<http://formin.finland.fi/public/download.aspx?ID=12195&GUID={A18BE945-3994-4987-9E4B-9D327BD4FBA2}>>.

ARTICLE 2

The provisions of this framework Convention shall be applied in good faith, in a spirit of understanding and tolerance and in conformity with the principles of good neighbourliness, friendly relations and co-operation between States.

According to the Government Programme currently in force, Finland is committed to promoting stability and good mutual relations in its neighbouring regions. The Government will work for closer cooperation with Sweden and the other Nordic countries. In the development of Nordic cooperation, special emphasis will be paid on finding ways of facilitating everyday practices. The Government will endeavour to streamline the structure of the regional networks of cooperation in the Baltic Sea region and in the northern regions.

On 16 April 2009 the Government published, as a decision in principle, a Russia Action Plan, according to which the Government will, among other things, continue *the Kindred Peoples Programme*. This programme supports the languages and cultures of Finno-Ugrian peoples living in Russia.

ARTICLE 3

1. Every person belonging to a national minority shall have the right freely to choose to be treated or not to be treated as such and no disadvantage shall result from this choice or from the exercise of the rights which are connected to that choice.

2. Persons belonging to national minorities may exercise the rights and enjoy the freedoms flowing from the principles enshrined in the present framework Convention individually as well as in community with others.

Population register authorities

Information about the population register authorities in Finland has been provided in the previous periodic report.

Population

At the end of the year 2008, Finland's population numbered 5,326,314 persons. According to the Constitution, the national languages of Finland are Finnish and Swedish. In 2008, 5.44 per cent of the population spoke Swedish as their mother tongue, and the corresponding percentages for the Sámi languages and Russian were 0.03 per cent and 0.92 per cent respectively. Foreign nationals numbered 143,256. The largest groups of foreigners were Russians (26,909), Estonians (22,604), Swedes (8,439) and Somalis (4,919).¹⁶

¹⁶ Statistics Finland, Population Statistics; <http://www.stat.fi/til/vrm_en.html>.

Minority groups

Sámi

At the turn of the years 2008 and 2009, 1,778 persons in Finland spoke the Sámi language as their mother tongue. The percentage of the Sámi-speakers of the whole population in Finland was 0.03 per cent.

The Sámi people are not only a linguistic minority. According to the statistics compiled by the Sámi Parliament in connection to the Sámi Parliament elections in 2007, the Sámi people in Finland amounted at the time to 9, 350 people in total, 8, 706 people of which resided in Finland. Over half of them (54,9 per cent) resided outside the Sámi Homeland area.

According to the Sámi Parliament, approximately 2, 000 people speak Northern Sámi as their mother tongue, in addition to which there are roughly 300 speakers of both Inari and Skolt Sámi. Funded by the Ministry of Education, the Sámi Parliament is about to conduct a survey into the number of Sámi speakers and the level of their language skills. A similar survey was last conducted in the 1960s.

As to the Sámi population group in other respects, reference is made to the previous periodic report.

Roma

As to the Roma population group, reference is made to the previous periodic report.

Swedish-speaking citizens of Finland

At the turn of the years 2008 and 2009, 289,951 people in Finland spoke Swedish as their mother tongue. The percentage of the Swedish-speakers of the whole population in Finland was 5.44 per cent.

Old Russians and other Russian-speakers

At the turn of the years 2008 and 2009, Russian-speakers accounted for 0.92 per cent of the population in Finland. There were thus 48, 740 people in Finland with Russian as their mother tongue.

The different Russian-speaking groups, as other minority groups, are treated equally in the provision of services and support of various kinds. No distinction is drawn between "the Old Russians" and the other Russians or Russian-speakers belonging to the population of Finland for example in cultural, sports and youth policies, which are the responsibility of the Ministry of Education.

Tatars

As to the Tatar population group, reference is made to the previous periodic report.

Jews

The Jewish community in Finland has about 1,600 members. The Jews have two congregations, in Helsinki and in Turku. There is lively participation in the cultural activities arranged by the Jewish Congregation in Helsinki¹⁷, including the *Hazamir* Choir, the *Judaica* Club, the *Hug Ivri* Hebrew language club and the *Idishe Vort* Yiddish language club. The congregation also publishes five issues of a newsletter entitled *Hakehila* per year. The number of children at the Jewish day care and in the Jewish school has grown steadily during the past years. The community's growth has resulted in particular from immigration from the former Soviet Union, Israel, Europe and the United States of America.

As to the Jewish population group in other respects, reference is made to the previous periodic report.

Åland

With regard to the Åland Islands, reference is made to the previous periodic report.

ARTICLE 4

1. The Parties undertake to guarantee to persons belonging to national minorities the right of equality before the law and of equal protection of the law. In this respect, any discrimination based on belonging to a national minority shall be prohibited.

2. The Parties undertake to adopt, where necessary, adequate measures in order to promote, in all areas of economic, social, political and cultural life, full and effective equality between persons belonging to a national minority and those belonging to the majority. In this respect, they shall take due account of the specific conditions of the persons belonging to national minorities.

3. The measures adopted in accordance with paragraph 2 shall not be considered to be an act of discrimination.

Equality as a basic right

The new Constitution of Finland took effect on 1 March 2000. Its basic provision on equality is Section 6, which requires equal treatment in equal cases and prohibits different treatment from other persons without an acceptable reason. The discrimination prohibition laid down in the Constitution is comprehensive and equally applicable to all people within the jurisdiction of Finland, irrespective of ground of discrimination and sphere of life. From the standpoint of the Framework Convention, the most significant constitutional provisions on basic rights are its Section 6 on equality, Section 11 on freedom of religion and conscience, Section 13 on freedom of assembly and freedom of association, Section 17 on right to one's language and culture, Section 21 on protection under the law, Section 22 on protection of basic rights and liberties and Sections 106–118 on supervision of legality.

¹⁷ <<http://www.jchelsinki.fi/>>.

Revisions of non-discrimination legislation

The Finnish non-discrimination legislation was revised in 2008. The derogation provisions in Section 7 of the Non-Discrimination Act were formulated more clearly (690/2008), the Act on the Ombudsman for Minorities and the National Discrimination Tribunal of Finland was supplemented with a provision according to which the tasks of the Ombudsman include conducting and commissioning independent studies on issues related to ethnic discrimination (679/2008), and the State Civil Servants' Act was supplemented with an express prohibition of discrimination on grounds of sexual orientation (1088/2007).

In 2008, Section 2 of the Non-Discrimination Act was amended concerning its scope of application by extending the scope of the prohibition of ethnic discrimination to partly cover relations between individuals in the provision of publicly available housing, other immovable or movable property or services to the public (Government bill 82/2008).

On 2 July 2008 the Commission of the European Communities submitted a proposal for a Council directive on implementing the principle of equal treatment between persons irrespective of religion or belief, disability, age or sexual orientation.¹⁸ Adopting the directive would require revisions of the relevant national legislation, especially the Non-Discrimination Act.

Equality Committee

On 25 January 2007, the Ministry of Justice set up an *equality committee* to reform the equality and non-discrimination legislation. The purpose of the reform is to strengthen the protection of equality and non-discrimination by making the legislation cover more clearly all grounds of discrimination and by making it more consistently applicable to all sectors of life. Further, the remedies and sanctions applicable to different cases of discrimination should be as commensurate with each other as possible. The reform would, to the extent necessary, include revising the status, duties and powers of the authorities responsible for discrimination issues. The revision would be conducted with due account of the monitoring of basic rights and liberties and human rights in Finland as a whole, as well as of the international requirements on this monitoring. The committee was set up in response to a resolution made by the Parliament when enacting the Non-Discrimination Act, requiring that the Government should draft non-discrimination legislation on the basis of the Finnish system of basic rights and liberties and with the aim of making all grounds of discrimination subject to commensurate legal remedies and sanctions (Parliamentary Reply 95/2003 vp).

The equality committee gave its interim report on the need and options for the reform of the equality and non-discrimination legislation on 8 February 2008.¹⁹ The final report was expected by 31 October 2009.

Implementation of non-discrimination directives 2000/78/EC and 2000/43/EC

¹⁸ COM(2008) 426.

¹⁹ Tasa-arvo- ja yhdenvertaisuuslainsäädännön uudistustarve ja vaihtoehdot. Lausuntotiivistelmät yhdenvertaisuustoimikunnan välimietinnöstä (The Need and Options for the Reform of the Equality and Non-Discrimination Legislation. Statement Summaries from the Interim Report of the Equality Committee) Ministry of Justice Publications 2008:13, available in Finnish at

<<http://www.om.fi/Etusivu/Julkaisut/Lausuntojajaselvityksia/Lausuntojenjaselvitystenarkisto/Lausuntojajaselvityksia2008/1215524497536>>.

Finland has implemented EU non-discrimination directives 2000/78/EC and 2000/43/EC by means of the Non-Discrimination Act (21/2004) and by acts on employment relationships in the private and the public sector. The grounds of discrimination prohibited by the Non-Discrimination Act, the Employment Contracts Act (55/2001), the Act on Civil Servants in Local Government (304/2003) and the State Civil Servants' Act (750/1994) are more comprehensive than those prohibited by the directives. In addition to the grounds of discrimination prohibited by the directives, the Finnish non-discrimination legislation lists language, health and other personal characteristics as prohibited grounds of discrimination. The scope of application of the Non-Discrimination Act is divided in accordance with directives 2000/78/EC and 2000/43/EC so that discrimination on the basis of ethnic origin is prohibited in more sectors of life than discrimination on other grounds. However, all prohibited grounds of discrimination are applied to education and training – also general education – although directive 2000/78/EC covers only vocational education. Ethnic origin as a prohibited ground of discrimination is also applicable to compulsory military service, women's voluntary military service and non-military service. The country report concerning the implementation of the non-discrimination directives in Finland is available in English at the website of the European Commission.²⁰

The directive implementing the principle of equal treatment between persons irrespective of racial or ethnic origin (2000/43/EC) and the directive establishing a general framework for equal treatment in employment and occupation (2000/78/EC) have also been transposed into the legislation of the Province of Åland Islands. This legislation, which took effect on 1 December 2005, also established *the post of the Discrimination Ombudsman in Åland*. The Ombudsman is responsible for promoting equality and preventing discrimination on grounds of ethnicity, religion or other belief system, disability, age or sexual orientation. The mandate of the Ombudsman was later extended to cover also issues of gender equality.

Convention on the Rights of Persons with Disabilities

On 13 December 2006 the General Assembly of the United Nations adopted the Convention on the Rights of Persons with Disabilities. The Convention and its Optional Protocol were opened for signature on 30 March 2007, and Finland signed both of them on the same date. The European Communities, too, signed the Convention on 30 March 2007. Both the Convention and the Optional Protocol entered into force in international law on 3 May 2008. Finland intends to ratify the Convention and the Optional Protocol as soon as it has harmonised the national legislation with the Convention.

The purpose of the Convention is to improve the opportunities of persons with disabilities to fully enjoy all existing human rights and fundamental freedoms on an equal basis with others. The Convention is thus aimed at realising the human rights and fundamental freedoms which the UN human rights conventions guarantee all people but which are often defectively realised for persons with disabilities. The key idea of the Convention is to ensure equality of persons with disabilities and to prohibit all discrimination on the basis of disability.

²⁰ Report on Measures to Combat Discrimination. Directives 2000/43/EC and 2000/78/EC. Country Report/Update. State of Affairs up to 8 January 2007. Finland, available at <http://europa.eu.int/comm/employment_social/fundamental_rights/policy/aneval/mon_en.htm>. Also <http://www.migpolgroup.com/public/docs/125.Finland_DiscriminationCountryReport_EN_01.07.pdf>.

Discrimination on the basis of disability is also prohibited under other international human rights treaties ratified by Finland, like Protocol No. 12 to the Convention for the Protection of Human Rights and Fundamental Freedoms. The Charter of Fundamental Rights of the European Union, too, provides that everyone is equal before the law (Article 20). The Charter of Fundamental Rights also prohibits any discrimination on grounds of disability, among other grounds.

General implementation of equality plans

The Non-Discrimination Act obligates all authorities to draw up an equality plan describing the measures that the authorities will take to promote equality, to prevent discrimination and to intervene in it.

On 9 September 2004 the Ministry of Labour issued *general recommendations for contents of equality plans*. In 2007 the Ministry revised the recommendations so that the plans now also cover the activities of authorities as employers.²¹

In January 2008 the University of Joensuu completed *a study on the functioning of the Non-Discrimination Act*, commissioned by the Ministry of Labour.²² The University studied measures taken by authorities to promote equality, both at a general level and in equality planning. The study showed that, although the duty to draw up equality plans is prescribed by law, alarmingly few authorities had prepared such plans. Only about half of all authorities inquired by the University reported that they had prepared an equality plan, whereas 35 per cent of the answerers had no plan at all, 29 per cent had a separate equality plan, 25 per cent had an equality plan as part of some other plan and 11 per cent were preparing an equality plan. The content and extent of the equality plans varied largely, and some of them were included in other plans. Most plans dealt with equality at a very general level and contained only few concrete measures that could be monitored.

Since the beginning of 2008, the Ministry of the Interior has been responsible for guidance and direction of equality planning by authorities at national level. The Ministry has set up a broad-based expert group to develop equality planning in terms of quality and quantity. The expert group has created quality indicators for equality planning, evaluated existing plans and submitted a report with proposals on how to develop the planning. The Ministry is starting to draft new recommendations for equality planning. It also monitors the development of equality plans in terms of quality and quantity.

The Ombudsman for Minorities has requested the National Discrimination Tribunal of Finland to issue an opinion on the question whether also the employer role of municipalities and other authorities should be taken into account in equality plans. The Tribunal's view is that an equality plan referred to in Section 4(2) of the Non-Discrimination Act must also con-

21 Revised General Recommendations for Contents of Equality Plans. Ministry of Labour 2007, <http://www.mol.fi/mol/en/03_labourlegislation/02_equality/index.jsp>.

22 Yhdenvertaisuuslain toimivuus. Tutkimusraportti viranomaisten käsityksistä sekä oikeus-, laillisuus- ja lainvalvontakäytännöstä (The Functionality of the Non-Discrimination Act. A Research Report on the Conceptions of Authorities and on Judicial Practice). Publications of the Ministry for Employment and the Economy 11/2008, available in Finnish at <http://www.tem.fi/index.phtml?C=91330&product_id=18&s=2683>.

tain the activity of the authority as an employer and concern all its sectors of activity as well as recruitment.²³

The Finnish Defence Forces, too, have prepared a national equality and gender equality plan for recruited personnel, conscripts, students in the educational institutions of the Defence Forces and persons serving in crisis management service missions. The plan deals with the concepts of equality and gender equality, the relevant legislation and the importance of an atmosphere of respect for equality and gender equality. The leadership is obligated to ensure mainstreaming of the principles of equality and gender equality into all planning, activities and management. The performance units of the Defence Forces, numbering about 70, and the forces serving abroad are obliged to draw up local development plans annually, as part of the planning of their activities. In this context the units and forces identify local needs for development in the field of equality and gender equality, set related targets and monitor the achievement thereof.

Implementation of equality plans in municipalities

The Non-Discrimination Act obligates municipalities to foster equality in all their activities. To foster ethnic equality, authorities have to draw up equality plans. These plans may be included in municipal programmes on multiculturalism, or they may be integration plans for immigrants or gender equality plans.

In 2006 the Ministry of the Interior conducted a follow-up survey on the implementation of the Act on the Integration of Immigrants and Reception of Asylum Seekers. According to the survey, 67 of the 211 municipalities that answered the survey had prepared equality plans by that time. In many municipalities the equality plan was part of an integration plan or a municipal gender equality plan. Of all answering municipalities, 19 were preparing an equality plan. The Association of Finnish Local and Regional Authorities will, jointly with the FCG Efeko training company, arrange training for municipalities on equality and the preparation of gender equality plans.

The survey showed that of the municipalities in the Sámi Homeland, Enontekiö had adopted an equality and gender equality plan for the years 2007–2009. The other municipalities in the Sámi Homeland were still in the process of preparing an equality plan. In Utsjoki municipality the equality plan had been returned for redrafting after the municipal council had considered it.

According to the Sámi Parliament authorities should, in their equality plans, pay attention to the position of the Sámi as an indigenous people, their linguistic rights, services provided in Sámi and the number of Sámi-speaking staff in the municipalities of the Sámi Homeland. The Sámi Parliament regards that Sámi actors, like the Sámi Parliament or the local Sámi associations, should be consulted sufficiently in equality planning. Further, the binding effect of the equality plans should be strengthened, and they should be made an integral part of monitoring the implementation of the Sámi Language Act.

The promotion of the status of the Roma people is rarely included into equality plans prepared by municipalities. The issue is nevertheless about to be addressed in the National Policy on Roma, which is currently under preparation. The policy will come to require that con-

23 National Discrimination Tribunal 2006: 10 – 11.

crete measures are included into equality plans in order to safeguard the equal opportunities and non-discrimination of the Roma population group in the future.

National monitoring system for discrimination

As part of the implementation of *the European Community Action Programme to Combat Discrimination*, Finland prepared a *national monitoring system for discrimination* and introduced it in 2008. The system comprises three levels and contains the following measures: 1) collecting up to date monitoring information, e.g. statistics, reports and research results, information received from such bodies as organisations, ombudsmen and authorities as well as from court judgments, and publishing it at the website of the monitoring mechanism; 2) publishing a monitoring report on discrimination annually and 3) preparing a more comprehensive report on the equality situation once per electoral period or every four years.

Moreover, the Ministry of the Interior has set up a monitoring group on discrimination for a term from 28 August 2008 to 31 December 2009. The group consists of representatives of the key ministries, organisations, the labour market parties, producers of research and statistics, advisory boards and authorities monitoring discrimination issues.

The report *Discrimination in Finland 2008*, published on 2 April 2009, covers gender, ethnic origin, religion or conviction, disability, age and sexual orientation and sexual identity as grounds of discrimination.²⁴ The report deals with the most relevant legislation and amendments thereof, research and statistics, case law, important projects and events as well as recommendations made by the bodies supervising the implementation of human rights treaties. It also contains information collected from non-governmental organisations.

Racism on the Internet

On 8 May 2008 the Government adopted a decision in principle on the *Internal Security Programme*.²⁵ The programme defines the most important cross-administrative objectives and measures related to internal security. The programme addresses, from the standpoint of security, such issues as relations between population groups, the need to improve the security of immigrants and ethnic minorities and the need to prevent risks connected with cyber crime and the use of the Internet. During 2009, in accordance with the Internal Security Programme, the Ministry of Justice and the Ministry of the Interior are jointly studying the status of the legislation on cyber crime and examining whether the means of investigation available to authorities are sufficient and up to date. In the same context the ministries are examining the possibility of supporting crime intelligence and investigation by enhanced use of information collected by different authorities, e.g. the Data Protection Ombudsman and the Defence Forces, in their own activities. At the same time the Ministries are developing means to ensure that criminal investigation authorities may use up to date methods for acquiring information. Any legislative projects to be proposed will be carried out in 2011.

It appears from client contacts received by the Ombudsman for Minorities that website moderators often fail to react to *communications concerning web conversation inciting to racist*

²⁴ Syrjintä Suomessa 2008 (Discrimination in Finland 2008). Finnish League for Human Rights 2009, <<http://www.yhdenvertaisuus.fi>>.

²⁵ Safety First. Internal Security Programme. Government Plenary Session of 8 May 2008. Publications of the Ministry of the Interior 25/2008, <<http://www.intermin.fi/intermin/hankkeet/turva/home.nsf/>>.

hatred. In 2008, the large number of received reports on Internet material susceptible of ethnic agitation caused the Ombudsman for Minorities to decide that future material from client contacts would be collected and sent to the police for investigation from time to time. In 2006–2008 the Ombudsman requested the police to investigate several tens of websites and some messages published in conversation websites. Some cases have been prosecuted, and in 2008 at least five persons were sentenced to punishment for ethnic agitation.

In 2008 the Ombudsman for Minorities proposed to the Ministry of the Interior that it should intensify intervention in racism on the Internet and take measures to introduce a reporting service as soon as possible. The service would be intended for those web users who want to inform the police about encountered racist material showing agitation against an ethnic group. Anonymous reporting, too, should be made possible.

In 2008 the police gave *a recommendation to Internet operators* concerning the questions what information published on the Internet should be reported to the police, how this should be done, how the material should be handled and how a so-called *Red Button* or a corresponding easily used and user-friendly reporting system could be introduced, in what timetable, and what practical measures the system would require. The preparation of the system continues under the leadership of the Ministry of the Interior. Moreover, the police have received more resources for monitoring the Internet, and a cooperation group has been set up between the police and Internet operators for enhancing self-monitoring and the related cooperation.

The Ministry of Transport and Communications, the Ministry of Education and the Ministry of Social Affairs and Health have launched *a project entitled Netari* to carry out and enhance national youth work performed over the Internet. In this project, young people can meet youth workers in the two most popular network environments among the young and discuss for instance with the police on the Internet. The project will be expanded.

Since 2002, Save the Children Finland has maintained an Internet tip line (*Nettivilhje*), where Internet users may report for example on encountered racist Internet material showing agitation against an ethnic group. The tip line is part of the *Safer Internet Plus* programme of the European Commission, intended to combat undesired and harmful content as well as illegal content on the Internet, to raise public awareness and to create a safer online environment for young people. The corresponding Internet Hotlines of different countries form a European-wide network entitled *INHOPE*, which is being enhanced continuously.

In spring 2007, Save the Children Finland, Finnish Youth Co-operation Allianssi and the Finnish Red Cross launched *a chat forum ("Different – Equal")* in three network environments popular among young people. In autumn 2007, these organisations and the Ombudsman for Minorities *organised a seminar dealing with the Internet as a problem and form of support for young people in relation to everyday racism*. Among other subjects, the seminar discussed with providers of Internet services, i.e. website moderators, how to support young people encountering racism, how to intervene in racism on the Internet and whether the Internet could enable provision of easily accessible support services.

In May 2008, the Tampere District Court passed two sentences of imprisonment for racist writings on the Internet, among other offences imputed. When investigating these cases the police conducted extensive inquiries, which produced a number of good practices concerning especially investigations of crime on the Internet. These have been disseminated for example at a seminar.

According to the Swedish Assembly of Finland, racism on the Internet is more often targeted at the Swedish-speaking population group in Finland. Swedish-speaking Finns do not fall within the mandate of the Ombudsman for Minorities. They may complain of racist Internet writings for instance to the Parliamentary Ombudsman, who nevertheless is not mandated to survey Internet writings continuously and on his own initiative. The Swedish Assembly of Finland considers it necessary to discuss the appropriate authority, whose mandate could be supplemented with the systematic surveillance of Internet writings targeted against Swedish-speaking population group in cases, where such writings are to be considered racist, libellous or agitating against a population group.

Interfaces between discrimination and exclusion – challenges to a Roma child's growth

On 17 November 2008 the Advisory Board on Romani Affairs, the Office of the Ombudsman for Minorities and the Team for the Roma at the Finnish National Board of Education held a seminar on *interfaces between discrimination and exclusion and challenges to a Roma child's growth*. The seminar discussed the position of the Roma and the realisation of their rights, especially from the viewpoint of Roma children.

It was stated in the seminar that, despite the improved position of the Roma, the well-being of Roma children and young people is polarised. Some of them are doing very well and some others very badly. The position of the latter group is affected by their parents' problems – low educational level, poor social and economic standing, intoxicants, mental problems and disrupted homes. It seems that despite the measures that have been undertaken, certain Roma families continue to find themselves in a circle of exclusion and, on the other hand, of structural discrimination.

The seminar dealt with such subjects as means to contribute to the prevention of exclusion by political decisions. Further, various local projects were presented together with the experience produced in them regarding e.g. support to Roma children's school attendance. It was stated that although good operating models existed for supporting Roma people, the prime target should be to replace fixed-time projects with permanent support and to elaborate the operating models to make them applicable throughout the country.

Roma and employment

A report on a study entitled "*The Long Journey of the Roma to the Market of Labour*", commissioned by the Ministry of Employment and the Economy, was published in autumn 2008.²⁶ The study was aimed to produce an overall picture of Roma as clients of public employment services, their situation in the labour market, their employment or unemployment status and the barriers to their employment. The study showed that the barriers hampering employment for Roma people are multifaceted, these people's low educational level and lack of vocational education and work experience being the most crucial of them. Other factors hampering their employment include lack of suitable jobs, special features of the Roma culture, Roma people's own attitudes and deep-rooted prejudice.

26 Romanien pitkä matka työn markkinoille. Tutkimus romanien työmarkkinoille sijoittumisen edistämisestä (The Long Journey of the Roma to the Market of Labour. A Study on Measures Promoting the Placement of the Roma on the Labour Market). Publications of the Ministry for Employment and the Economy 22/2008, available in Finnish at <http://www.tem.fi/files/20264/TEMJul_22_2008_tyo_ja_yrittajjys_summary.pdf>.

According to the findings of the study, Roma jobseekers are divided into three groups. The first group consists of those whose basic education is incomplete and for whom completing their basic education is the primary means to support their employment. The jobseekers in the second group have not acquired any vocational education after basic education. These jobseekers are supported by vocational career counselling. In the third group, the jobseekers have acquired a vocational qualification or taken a university degree and/or they have gained work experience. They are given special support for job seeking and for being employed. Thus, it is important to develop the support provided to Roma in the stage between basic education and vocational education. Increasing and enhancing educational opportunities for adults is another important development object.

The study shows that only a small part of all Roma are covered by intensified employment services. To improve the situation of Roma jobseekers, simultaneous measures should be taken in a number of administrative sectors, and the Roma themselves should be ready to integrate into the educational system and working life. The information and the recommendations for measures given in the study will be used in the preparation of a *national Roma policy programme* in 2009.

For promoting the employment of Roma, different development projects have been carried out in different parts of the country. In addition to training for Roma people, these projects have included training of attitudes for the majority population and provided information about the Roma culture. Despite all efforts made, Roma continue to encounter barriers of employment, based either on their educational background and work experience or on employers' attitudes.

Roma and housing

A study dealing with equality in housing ("Yhdenvertaisuus asumisessa"), based on interviews and published by the Ministry of the Interior, shows that both persons with a Roma background and those with an immigrant background have encountered discrimination in housing and when using services in their areas of residence. On the other hand, some authorities responsible for housing treat applicants for housing unequally when they, at the request of local Roma communities in their areas, prevent certain Roma persons from moving to these areas. The Ombudsman for Minorities, too, has reported that Roma people encounter discrimination in housing.

In Finland, Roma live in the same areas and in dwellings of a similar standard as the majority population. Roma are dependent on the public supply of rental dwellings, because their poor financial standing alone often makes it more difficult for them to obtain a dwelling in the private rental market. When applying for dwellings granted on social grounds, i.e. state-subsidised rental dwellings, Roma have an equal status with the other applicants. In training and counselling given to municipal authorities and representatives of non-profit housing communities, continued attention has been focused on Roma as applicants for dwellings, special features of the Roma culture, and equality. The Housing Finance and Development Centre of Finland, which supervises the selection of tenants for state-subsidised rental dwellings, receives some complaints on housing issues every year, some of them made by Roma. In April 2008 the Centre issued *instructions concerning Roma* in order to improve the selection of tenants for state-subsidised rental dwellings.

Of all client contacts received by the Office of the Ombudsman for Minorities, approximately 13 per cent relate to Roma. The average number of Roma issues considered annually by the Ombudsman varies between 70 and 90. About half of the contacts relate to housing. The cases involve both ethnic discrimination and exclusion. Multi-faceted family problems often seem to come to a head specifically in housing issues. The contacts concerning housing issues relate to access to state-subsidised rental dwellings, changes of dwellings or problems encountered during residency.

Situations reported to the Ombudsman for Minorities often involve suspicions and allegations of ethnic discrimination. Moreover, they involve dissatisfaction with the standard of client service and counselling as well as criticism on the quality of authorities' activities. The realisation of the principles of good administration is criticized, too. Regular topics of client contacts also include cultural issues: special features of the Roma culture, the influence of cultural circumstances on housing and the limits of practising one's own culture. In many cases dealing with financial and other problems of single mothers and their children during residency, evictions and homelessness, Roma housing issues may be looked at from a specific female perspective.

Because it is often difficult to obtain concrete evidence of ethnic discrimination, actual presumptions of discrimination are rare. One problem is that a Roma person applying for a rental dwelling from a municipality or a non-profit corporation and being denied a dwelling is not given an appealable decision with reasoning. A person applying for a rental dwelling from a municipality or a non-profit corporation and being denied a dwelling is not given a negative, appealable decision with reasoning that concerns a state-subsidised rental apartment. All applicants remain on the waiting list for an apartment for the duration of their application, unless an apartment has been offered to them during this time. In such cases it is difficult to establish whether the denial was based on the applicant's ethnic background or on more urgent or weighty housing needs of other applicants. Moreover, statements made in discussions between a Roma applicant and housing official tend to remain unsubstantiated.

Besides considering individual cases reported by clients, the Office of the Ombudsman for Minorities takes measures to intervene in discrimination in housing and other problems by means of *cooperation between different authorities* as well as *training and information*. The Office keeps close contacts with such actors as representatives of Roma organisations and planners of the Provincial Advisory Boards on Romani Affairs. Furthermore, the Office of the Ombudsman for Minorities has arranged discussion meetings dealing with discrimination in housing and anti-discrimination counselling, and participated in occasions and projects related to housing in different parts of Finland.

Also the client contacts with the Advisory Board on Romani Affairs made because of encountered discrimination mostly continue to concern cases where a rental dwelling is applied for or changed. *The Eurobarometer survey* published in summer 2008 showed that Finns were more prejudiced against Roma than against any other minority group, and regarded them for example as the least desirable neighbours.

Different municipalities have tried to improve the housing situation for Roma by means of *housing counselling*, which combines means of different administrative sectors to address their clients' housing needs by providing clients with debt counselling and other counselling services. The Advisory Board on Romani Affairs reports that for instance the pilot housing counselling service provided jointly by the City of Oulu and the local housing managers' association helped to avoid eviction measures in more than 90 per cent of all cases.

In addition, the Advisory Board on Romani Affairs has reported that although the situation of individual Roma families may be difficult in many ways, most Roma reside in dwellings, which are in good condition and where they have access to services on an equal basis with the majority population. The new Child Welfare Act (2007/417), which entered force at the beginning of 2008, has lowered the threshold for authorities to intervene for example in the situation of Roma families with housing problems. Statements given by child welfare authorities have speeded up their access to housing. However, the Advisory Board will, jointly with the Provincial Advisory Boards, continue to actively highlight questions related to housing of Roma and to provide continuous training focused on special features of the Roma culture to authorities responsible for housing.

ARTICLE 5

- 1. The Parties undertake to promote the conditions necessary for persons belonging to national minorities to maintain and develop their culture, and to preserve the essential elements of their identity, namely their religion, language, traditions and cultural heritage.*
- 2. Without prejudice to measures taken in pursuance of their general integration policy, the Parties shall refrain from policies or practices aimed at assimilation of persons belonging to national minorities against their will and shall protect these persons from any action aimed at such assimilation.*

Support to minority cultures

Information about support to minority cultures was provided in the previous periodic report under Article 5.

The state budget proposal for 2009 contains an appropriation of EUR 205,000 for promoting the Sámi culture and the activities of Sámi organisations. From this appropriation, subsidies are allocated annually on application to different sectors of Sámi arts and culture and to Sámi organisations. The grounds for allocating subsidies are defined in the rules of procedure of the Sámi Parliament, which stipulate that support is granted as cultural subsidies (e.g. project subsidies and working and travel grants) and as activity and publishing grants for Sámi organisations. Moreover, a committee of the Sámi Parliament may grant a specific cultural award without it being applied for.

As during the previous reporting period, the Sámi Parliament continues to receive annually an appropriation of EUR 168,000 for supporting different sectors of the Sámi culture and activities of Sámi organisations. In addition, the Ministry of Education has regularly allocated a separate appropriation to the Sámi Parliament for international cooperation on the Sámi culture. In recent years this appropriation has amounted to EUR 35,000 per year. The Ministry of Education has also supported the national Sámi youth organisation by annual subsidies and granted subsidies regularly for an art event of young Sámi people. The Ministry plans to increase the amount of subsidies granted to young Sámi people within the framework of *the Government's Child and Youth Policy Programme 2007–2011*.²⁷ The separate appropria-

²⁷ The Finnish Government's Child and Youth Policy Programme 2007-2011. Publications of the Ministry of Education 2008:21, <http://www.minedu.fi/OPM/Julkaisut/2007/Lapsi-ja_nuorisopolitiikan_kehittamisohjelma_2007-2011?lang=fi&extra_locale=en>.

tions allocated to Sámi constitute positive special treatment of Sámi, in addition to which all cultural services and forms of cultural support are available to the Sámi and the rest of the population on equal grounds.

The Sámi Parliament has observed that the Sámi people have fairly few culture formats that are normal to the majority population. In addition to the culture formats of the Sámi people, the appropriation allocated for the support for Sámi culture should cater to the needs of three Sámi language and culture groups, as well as respond to the demand of both traditional and contemporary Sámi culture. Sámi organizations have a significant role in the preservation of local Sámi culture and the unity of the Sámi people.

In 2007 and 2008, the Ministry of Education continued to support the activities of the Society for the Karelian Language. Besides annual general subsidies, both the Ministry of Education and the National Council for Literature have granted the society funds for *projects related to the Karelian language*. At the beginning of 2009 the University of Joensuu established a professorship of the Karelian language and culture. The post was placed in the Faculty of Humanities, in the Department of Finnish Language and Cultural Research. The other universities in Finland do not provide instruction in the subject of Karelian language and culture.

The establishment of the Sámi Cultural Centre

The project plan for the *Sámi Cultural Centre* was completed in spring 2007. The financing for the project was confirmed in March 2008. The Government has reserved an appropriation of EUR 12 million for the establishment of the Centre.

The Sámi Cultural Centre is intended to be a centre for the activities of the Sámi Parliament and to provide premises for the Educational Centre of the Sámi Homeland and Sámi organisations. The Sámi Parliament will be the principal tenant of the Centre. The other actors using the premises, e.g. the Educational Centre of the Sámi Homeland, the library administration of Inari municipality, the State Provincial Office of Lapland and certain Sámi associations will be subtenants of the Sámi Parliament. A state enterprise is responsible for the construction of the Centre and will assume ownership thereof. The architectural competition for the design of the Centre was resolved on 4 December 2008, the construction plans will be completed in 2009, and the construction works are expected to start in spring 2010. The Centre will probably be opened at the beginning of 2012.

Definition of Sámi

In 1999 the Supreme Administrative Court took a number of decisions concerning applications for entry in the electoral roll of the Sámi Parliament. These decisions clarified the interpretation of Section 3 of the Act on the Sámi Parliament.²⁸ Therefore, the Ministry of Justice and the Sámi Parliament have not discussed the definition of Sámi as an outstanding issue lately.

28 See e.g. Supreme Administrative Court: KHO:1999:55, available in Finnish at <www.finlex.fi>.

Questions pertaining to Sámi land rights

For a long time, Finland has made efforts to solve the question of Sámi land rights by way of legislation, but without success so far. Different solutions have been proposed during the years with the aim to reach a balanced solution that complies with Finland's international obligations and ensures that not only the Sámi but also the other local inhabitants may influence the way of arranging the use of their living areas. It has been found necessary to safeguard the other inhabitants' right to participate in the arrangements, because in some places Sámi people and the others have lived as neighbours and carried on the same trades throughout centuries. However, the question of rights to own and use lands has proved to be very complex and difficult. Therefore a thorough legal-historical study on the settlement and population and the development of trades and land-use rights in the Sámi Homeland was conducted in 2003–2006. This *study on land rights in Upper Lapland* also dealt with the connection of this development to the settlement. The study report, submitted to the Ministry of Justice on 24 October 2006, did not bring a resolution to the problem.

In its Government Programme, Prime Minister Matti Vanhanen's second Cabinet, elected after the parliamentary election of 2007, has committed itself to securing the right of the Sámi people to maintain and develop their own language and culture under the cultural autonomy provisions of the Constitution. In this context the Ministry of Justice has negotiated about the setting up of a new preparatory body with the Ministry of Agriculture and Forestry and the Sámi Parliament. The negotiations on the land use rights in the Sámi Homeland are still going on.

ARTICLE 6

1. The Parties shall encourage a spirit of tolerance and intercultural dialogue and take effective measures to promote mutual respect and understanding and co-operation among all persons living on their territory, irrespective of those persons' ethnic, cultural, linguistic or religious identity, in particular in the fields of education, culture and the media.

2. The Parties undertake to take appropriate measures to protect persons who may be subject to threats or acts of discrimination, hostility or violence as a result of their ethnic, cultural, linguistic or religious identity.

Act on the Ombudsman for Minorities and the National Discrimination Tribunal of Finland

The Office of the Ombudsman for Minorities was subordinate to the Ministry of Labour until 31 December 2007, but was transferred under the Ministry of the Interior at the beginning of 2008. The transfer was one of the organisational changes under the Government Programme. The independent and impartial status of the Ombudsman remained unchanged.

In 2008 the Act on the Ombudsman for Minorities and the National Discrimination Tribunal of Finland (660/2001) was supplemented with a provision providing that one of the duties of the Ombudsman is to conduct and commission independent *studies on issues of ethnic discrimination*. The new provision was intended to harmonise the legislation with Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin. The legislative amendment took effect on 15 November 2008. Studying and monitoring the realisation of ethnic equality is part of the ex-

pert duties of the Ombudsman for Minorities and intended to foster equality between different ethnic groups and to improve the position and rights of ethnic minorities. It is up to the Ombudsman to determine independently the objects and methods of the studies and surveys.

In 2008 the Act on the Ombudsman for Minorities and the National Discrimination Tribunal of Finland was also supplemented with provisions on the role of the Ombudsman as the *national human trafficking rapporteur*. This amendment was based on the *Revised National Plan of Action against Trafficking in Human Beings*, adopted by the Government in June 2008, and it took effect on 1 January 2009.

In the Sámi Parliament's view the establishment of the post of the Ombudsman for Minorities meant, in the conditions prevailing in Finland, both an important step forward in addressing questions related to minorities and indigenous peoples and a concrete measure to correct disadvantages.

Advisory Board for Minority Issues

The Act on the Ombudsman for Minorities and the National Discrimination Tribunal of Finland provides that the Ombudsman is assisted by the *Advisory Board for Minority Issues*. The task of the Advisory Board is to make proposals for developing the observation and monitoring of ethnic discrimination and to develop the cooperation between authorities and organisations in questions related to the monitoring and prevention of ethnic discrimination. The first Advisory Board for Minority Issues appointed by the Government was mandated for the period from 1 April 2005 to 31 March 2008. Its members represented communities of ethnic minorities, expert bodies and different authorities.

The new Advisory Board for Minority Issues has been appointed for the period from 1 December 2008 to 30 November 2011. The representation of ethnic minorities in the Advisory Board has been strengthened so that its members now include representatives from the Sámi Parliament, the Jewish Congregation in Helsinki, the Finnish Islamic Council, the Finnish Islamic Congregation (the Finnish Tatar Community), the Finnish Roma Forum, the Somali League in Finland and the League of Russian-Speaking Associations.

The Advisory Board for Minority Issues has played a key role in connecting different actors and providing information about their activities and the status of ethnic discrimination in Finnish society in general. When necessary, the Advisory Board invites specialists in different fields to attend its meetings.

Decisions of the National Discrimination Tribunal of Finland in minority issues

Decision 2008–25/Pe-2, issued on 27 November 2008: The Ombudsman for Minorities requested the National Discrimination Tribunal of Finland to examine whether the City of Rovaniemi had discriminated against Sámi population when arranging day care for children and, if necessary, to prohibit the City under penalty of a fine from continuing or renewing the possible discrimination against the Sámi residing in the City. The Tribunal considered that Sámi children had a statutory right to day care in their own mother tongue on an equal basis with Finnish-speaking children. The City did not substantiate that it had taken sufficient measures to fulfil its statutory obligation to arrange day care for Sámi children in an appropriate manner. The Tribunal held that the City, in its day care arrangements, had discriminated against

Sámi-speaking children on the basis of their ethnic background. The Tribunal prohibited the City from continuing or renewing the ethnic discrimination against the Sámi-speaking population in its day care arrangements, because it thus violated the Non-Discrimination Act. The City was ordered to comply with the discrimination prohibition immediately under penalty of a fine. The decision has not yet gained legal force.

Decision 2008–367/Pe-2, issued on 11 December 2008: The Ombudsman for Minorities requested the National Discrimination Tribunal to examine whether Enontekiö municipality had violated the discrimination prohibitions laid down in the Non-Discrimination Act and the applicable special acts when arranging child day care, health services, services for the elderly and basic education, and to prohibit the municipality, under penalty of a fine, from continuing or renewing the possible discrimination against the Sámi residing in the municipality. The National Discrimination Tribunal held in its decision that because Enontekiö municipality was located in the Sámi Homeland, the Sámi Language Act imposed a particular obligation on the municipal authorities to ensure access to public services provided in the Sámi language. The Tribunal considered that Sámi children had a statutory right to day care in their own mother tongue on an equal basis with Finnish-speaking children, and that all Sámi had a statutory right to health services, services for the elderly and basic education in the Sámi language. The municipality did not substantiate that it had taken sufficient measures to arrange these statutory services for the Sámi-speaking population. The Tribunal held that the municipality had discriminated against the Sámi-speaking population on the basis of their ethnic background, and prohibited the municipality from continuing or renewing the ethnic discrimination against the Sámi in arrangements of day care, health services, services for the elderly and basic education. The municipality was ordered to comply with the discrimination prohibition immediately under penalty of a fine. The decision has not yet gained legal force.

In 2007 the National Discrimination Tribunal made four decisions in cases initiated by the Ombudsman for Minorities and concerning Roma:

Decision 646/66/2007, issued on 19 November 2007: A and B, who were Roma persons, had applied for a rental dwelling from a real estate company. As a condition for concluding a rental agreement with them the company had required that the social welfare office of the City of Raahe rent the dwelling for the applicants on their behalf. The social welfare office reported to the National Discrimination Tribunal that no similar procedure was required in respect of its indigent clients representing the majority population in a comparable position. The real estate company reported that the reason for not offering A and B a rental dwelling was that they had no income and no assets. The company pleaded that a tenant's ability to pay the rent must be ensured. The Tribunal held that the reason given by the real estate company for the requirement of an intermediate rental agreement could not be regarded as an acceptable ground for placing someone in a more unfavourable position than other persons. Applicants A and B had been required to fulfil special conditions which applicants representing the majority population were not required to meet.

Decision 879/66/2007, issued on 8 October 2007: B, a waiter, refused to serve A, a Roma person, on a restaurant ship. According to B the company manager had prohibited selling to "Gypsies", because Roma persons had earlier caused disturbance on the ship. A person who had been in the company of A had heard B say to A that she would not serve "Gypsies". The National Discrimination Tribunal established on the basis of the claimant's report and the criminal investigation material concerning the case that the conduct of the waiter had been due to her employer's express prohibition to serve Roma persons. The Tribunal prohibited

the company manager and the restaurant company, under penalty of a fine of 500 Euros, from renewing discrimination against A or any other clients on ethnic grounds.

Decision 2436/66/2006, issued on 7 June 2007: An accessories shop refused to serve a group of four Roma women. The shop assistant threatened to call a shop guard if the women refused to exit despite request to do so, because their large number was considered to jeopardise the maintenance of order in the shop. The women reported that they were denied service on grounds of their ethnic background. They experienced the situation as embarrassing, since there were other clients, too, in the shop. The National Discrimination Tribunal held that the provision of services by the accessories shop was discriminatory and disturbing. The Tribunal prohibited the shop from continuing or renewing the violation of the discrimination prohibition laid down in the Non-Discrimination Act and from refusing to serve the complainants and other Roma persons. The shop was ordered to comply with the discrimination prohibition immediately under penalty of a fine of 500 Euros.

Decision 2236/66/2006, issued on 27 February 2007: A and B, who were homeless Roma persons, had applied for a rental dwelling in Himanka municipality. The municipality had repeatedly disregarded their application when selecting tenants for rental dwellings and rejected the application on 17 August 2006. The municipality had considered that its residential areas could not offer Roma people a natural opportunity for contacts with the Roma community and culture. Although the municipality had had several vacant rental dwellings, it had not offered them to A and B, who had no permanent dwelling. The National Discrimination Tribunal stated that a dwelling was a basic necessity of life and that discrimination in housing was therefore particularly detrimental. The Tribunal held that the municipality had conducted in a discriminatory manner when selecting tenants for rental dwellings, and prohibited the municipality from continuing or renewing the ethnic discrimination against A and B and possibly other Roma people in the selection of tenants, in violation of Section 6 of the Non-Discrimination Act. The municipality was ordered to comply with the prohibition of discrimination against A and B immediately, under penalty of a fine.

“YES – Equality is priority” -project

"*Progress*" is a programme of the European Union for promoting employment and social solidarity. It started at the beginning of 2007 and will run until the end of 2013. Under this programme, financial support is provided for example for research, studies, development measures and provision of information intended to combat discrimination and to improve employment, social protection, the protection of employees and their status under labour law and gender equality. Finland is carrying out a national anti-discrimination project entitled "*YES – Equality is priority*" with financing from the "*Progress*" programme. This project is intended to raise awareness of the necessity of equal treatment and non-discrimination, to improve the capability needed for them and to promote tolerance of diversity in society. The "*YES – Equality is priority*" project was preceded by a series of projects entitled "*STOP – Finland forward without discrimination*", carried out in 2002–2007 as part of the European Commission's Action Plan to Combat Discrimination.

The first anti-discrimination information campaign during the programme period, "*YES 1 – Equality is priority*", was carried out between 1 November 2007 and 31 October 2008. The project focused on supporting the implementation of the Non-Discrimination Act by developing equality planning, empowering organisations engaged in anti-discrimination work and the related project planning, developing the provision of anti-discrimination information, clarify-

ing the practice of recording cases of discrimination, training prosecutors, eradicating stereotypes among young men as well as developing and modelling the methods for promoting equality at local level.

The second anti-discrimination information campaign during the PROGRESS programme period, entitled "*YES 2 – Equality is priority*" is carried out between 1 November 2008 and 31 October 2009. In this campaign, the Ministry of Employment and the Economy is responsible for implementing a subproject entitled "*Positive Action for Employment and Entrepreneurship*". This subproject is intended to promote equality and diversity in work and economic life by producing information material and training for dealing with equality, discrimination and diversity issues at workplaces. Moreover, the subproject is aimed to promote the access of persons with disabilities to the labour market and their entrepreneurship. The question of diversity at workplace is addressed for instance from the standpoint of diversity management.

The "Positive Action for Employment and Entrepreneurship" subproject deals with equality in respect of all prohibited grounds of discrimination and especially from the viewpoint of multiple discrimination. The themes addressed focus on ethnicity, citizenship and immigrant status and, on the other hand, ageing and sexual orientation, gender identity and problems connected with gender manifestation.

The YES 1 campaign carried out in 2007–2008 included *a programme to empower non-governmental organisations*. Most of the organisations which took part in the programme represented the Sámi, the Roma and different immigrant groups. A related training programme produced *material to promote equality*, for example information material for reindeer breeding families in the Sámi language and a brochure on avoidance behaviour in the Roma culture. In addition, audio books on equality in housing and in general were published for immigrants in different languages.

The priorities in the YES 2 project activities during the ongoing PROGRESS programme period are monitoring and measurement of discrimination, positive special treatment and multiple discrimination. The project focuses on promoting diversity and combating discrimination in work and economic life, strengthening democracy, inclusion and awareness of basic rights among minorities, enhancing equality training among conscription personnel and participants in crisis management, improving statistics on hate crimes, studying transfers of pupils to special classes from the standpoint of equality, raising awareness of multiple discrimination and improving the provision of anti-discrimination information.

The Advisory Board for Ethnic Relations (ETNO)

In August 2008 the *Advisory Board for Ethnic Relations (ETNO)*, subordinate to the Ministry of the Interior, started its fourth term, which will expire in 2011. The purpose of the Advisory Board is to promote interaction between authorities, non-governmental organisations and the political parties represented in the Finnish Parliament as well as immigrants and ethnic minorities at national, regional and local level. As an expert body in immigrant policy the Advisory Board assists different authorities with furthering an ethnically equal and diversified society and developing and promoting good ethnic relations.²⁹

²⁹ Decree on the Advisory Board for Ethnic Relations (352/2008).

The decree on the Advisory Board defines its four main duties as follows:

1. to promote good ethnic relations and ethnic equality, as well as mutual interaction and co-operation in the various component areas of immigration policy,
2. to provide expert assistance in the development of immigration policy,
3. to help promote organizational activities among immigrants, and
4. to provide information about immigration policy, the objective of ethnic equality and ethnic diversity as a social resource and make these topics better known.

In order to promote its objectives the Advisory Board may arrange functions, issue statements and prepare initiatives, proposals and recommendations. The Advisory Board convenes at least twice per year and organises the *ETNO Forum* jointly with the regional Advisory Boards for Ethnic Relations at least once a year.

During the reporting period the Advisory Board was strengthened by establishing a new regional *Advisory Board for Ethnic Relations of Southern Finland*. Thus, the national Advisory Board is currently supplemented with four regional Advisory Boards. The reform was intended to expand the coverage of the negotiation system in respect of all minorities falling under the purview of the Advisory Board for Ethnic Relations.

The League of Russian-Speaking Associations has observed that functioning of the Advisory Boards for Ethnic Relations does not abolish the need to establish a new advisory board to enhance the co-operation between the Russian-speaking population group in Finland and the authorities.

Establishment of the Islamic Council of Finland (SINE)

In 2005, due to a request, the Ombudsman for Minorities summoned Muslim opinion leaders, Muslim experts and representatives of Muslim communities to a meeting for the purpose of founding a cooperation body for the Muslims residing in Finland. The council founded at the meeting was intended to create a broad-based, pluralist, independent and politically neutral cooperation body for the Muslims in Finland, and to take account of all main movements of Islam, the geographical coverage of the religion and inclusion of women in its activities.

The constitutive meeting of the council was held on 11 November 2006. All 22 religious communities, associations and foundations which were present expressed their will to found *the Islamic Council of Finland (SINE)*. Among its other tasks, SINE is intended to promote respect for and awareness of Islam in Finland as well as respect for and awareness of Finnish culture among Muslims. The council aims at preventing extreme phenomena, both those arising from Islam and those directed against Islam, and their escalation. The Government has granted SINE an annual appropriation of EUR 60,000 for the years 2008–2011.

Finnish Roma Forum

On 23 and 24 March 2007, the Roma organisations in Finland convened in a historical meeting in Helsinki and founded an umbrella organisation for the Roma organisations in Finland,

Fintiko Romano Forum (the Finnish Roma Forum). The constitutive meeting was attended by 14 local and national Roma organisations. The Finnish Roma Forum is a non-governmental organisation, which works at both national and international level for promoting and monitoring the realisation of basic rights and equality.

In recent years, the Roma have strengthened their activities, especially at local level, and founded new associations. Most associations aim at active cooperation with local authorities. Municipalities have officially set up *Roma working groups* as cooperation bodies between the Roma and authorities to promote issues of importance to Roma at local level. Nearly 20 local Roma working groups exist already in the Province of Western Finland. Similar cooperation bodies have been appointed or are being appointed in other provinces, too.

Fostering tolerance and preventing racism in police administration

The police have made efforts to combat racism, prevent discrimination and foster tolerance by various means, for instance by substantially lowering the threshold for intervention in racist acts and by investigating offences of racism and discrimination without delay, to the extent possible. On 15 January 2004 the Ministry of the Interior issued *instructions for fostering tolerance and preventing racism*.³⁰ The instructions list the most important obligations of the police and emphasise such things as the necessity of a low threshold for intervening in racist acts and of immediate appropriate intervention in possible violations. Further, the instructions underline the need to enhance training, to improve the opportunities of members of ethnic minorities to be employed by the police administration and to develop research activities. The instructions are being reviewed and updated when necessary.

The police have also been largely engaged in *cross-administrative cooperation* with other authorities and have *cooperated with non-governmental organisations* at national, regional and local levels in order to combat discrimination and racism. At national level the police are represented for example in the Advisory Board on Romani Affairs and the Advisory Board for Ethnic Relations. The police also attended the international hate crime seminar arranged in Finland in June 2008 as part of Finland's Chairmanship of the Organization for Security and Co-operation in Europe (OSCE). In 2007, the Finnish National Board of Education published two guidebooks resulting from the above-mentioned cooperation. They deal with meetings between Roma persons and the police ("*Romanin ja poliisin kohdatessa*") and the police and discrimination ("*Poliisi ja syrjintä*") and are intended for use for example in police training.

As part of the '*YES – Equality is Priority*' project carried out by the Ministry of the Interior, the Police College of Finland published in November 2008 a study entitled *Suspected Crimes with Racist Characteristics in the Criminal Justice Process – Case Study in Helsinki, 2006*".³¹ The study deals with suspected racist offences in pre-trial investigation, prosecution and judgments. The study concludes that the police refer suspicions of racist offences to prosecutors for consideration of charges as frequently as offences without racist motives.

30 Sisäasiainhallinnon linjaukset yhdenvertaisuuden edistämiseksi (Guidelines for the Promotion of Equality by the Administration of Internal Affairs). Publications of the Ministry of the Interior 2008, available in Finnish at

<[http://www.intermin.fi/intermin/biblio.nsf/1A6B7F1F40484648C225750400338C8F/\\$file/Suomi.pdf](http://www.intermin.fi/intermin/biblio.nsf/1A6B7F1F40484648C225750400338C8F/$file/Suomi.pdf)>.

31 Peutere Laura: Rasistisia piirteitä sisältävät rikosepäilyt rikosprosessissa. Tapaustutkimus Helsingistä -2006 (Crime Suspicions with Racist Features in Criminal Proceedings. A Case Study from Helsinki – 2006). Reports of the Police College of Finland 73/2008, available in Finnish at

<[http://www.poliisi.fi/poliisi/poliisioppilaitos/home.nsf/files/raportteja73_peutere/\\$file/raportteja73_peutere.pdf](http://www.poliisi.fi/poliisi/poliisioppilaitos/home.nsf/files/raportteja73_peutere/$file/raportteja73_peutere.pdf)>.

Also under the 'YES' project, the Police College of Finland has launched *a new project to extend the monitoring mechanism for racist offences recorded by the police* to cover so-called hate crimes, too. The training provided to the police administration has been enhanced by various means in order to improve intervention in suspected racist offences and cases of discrimination discovered or reported to the police. Furthermore, the Police College of Finland, at the order of the Ministry of the Interior, prepares annually *a report on the trends of racist crime in Finland*. The latest report was published in 2008.

The threshold for reporting racist offences to the police has possibly lowered. In addition, the methods for collecting research material on such offences have been improved during the years, on the basis of the criminal reports recorded by the police. Therefore, it is difficult to draw any comparative conclusions on trends in the number of racist offences, especially in respect of research conducted before the year 2003. The results of research conducted in 2003–2007 are more comparable with each other because of the more commensurate methods for collecting the material for them. Research results regarding the year 2007 show that the number of suspicions of racist offences recorded by the police, i.e. the number of recorded headings of offences (698), declined from 2006 (748). In 2007, nearly 80 per cent of all headings of discrimination offences involved a Roma person as a complainant. Suspected discrimination offences typically involved situations where normal practices were not followed in the provision of services because of a client's ethnic origin. About half of all suspicions related to the provision of services were cases where a person was refused for example entry into a restaurant. Cases of discrimination in everyday life, for instance in shops or public transports, were almost as frequent.

Chapter 6, Section 5 of the Criminal Code of Finland (2003/515) contains *provisions on grounds for increasing punishment*. Section 5, subsection 1, permits increasing punishment if the offence has been directed at a person belonging to a national, racial, ethnic or other population group due to his or her membership in such a group. The provision took effect at the beginning of 2004. However, it appears from the aforementioned study of the Police College of Finland that this ground for increasing punishment had not been invoked in prosecutors' applications for summonses or used in judgments.

According to the *Internal Security Programme 2008–2011*, adopted by the Government on 9 May 2008, the continuity of qualitative research on the progress of cases of suspected racist crime in the judicial system will be safeguarded in Finland also in the future.³² —

About the attitudes of the police towards minorities

A nation-wide study on the attitudes of national authorities, conducted by the University of Joensuu in 2006, showed that the attitudes of the police towards minorities had become more tolerant than before. In the vocational basic, continuing and supplementary training of the police force, attention has been paid to increasing tolerance in police activities. *External trainers representing minorities* are used to the extent possible, in order to foster tolerance and increase multicultural knowledge in the training. Moreover, the *European Code of Police Ethics* is discussed during the training. Upon completing their basic training, all students who have taken the Diploma in Police Studies and who serve in the police force swear an

³² Safety First. Internal Security Programme. Publications of the Ministry of the Interior 25/2008, available at <<http://www.intermin.fi/intermin/hankkeet/turva/home.nsf>>, page 35.

oath of ethics, promising, among other things, to respect everyone's human dignity and human rights. In January 2008 the police adopted *common values of the police force* and published a compilation of writings on police ethics ("*Puheenvuoroja poliisin ammattietikasta*").³³

The advanced and supplementary training provided to the police force contains annually a number of seminars dealing with such topics as basic and human rights and ethical police activities. Furthermore, awareness-raising on multiculturalism and different religions is included in the training in order to foster tolerance. The non-discrimination plan adopted by the Ministry of the Interior for its administrative sector also includes proposals for measures concerning the police.³⁴ This non-discrimination plan will serve as the basis for preparing, during 2009, a separate implementation plan concerning the police.

The police have increased and will continue to increase cooperation with representatives of minorities and their organisations. For instance the *strategy for local police activities* ("*Lähipoliisitoiminnan strategia*", 1/2007) underlines the importance of cooperation with different actors, among others immigrants, in order to bring the police activities closer to the people.³⁵ Moreover, the police conduct an active dialogue with minorities at a number of local cooperation forums.

In 2008 the Ministry of the Interior published *a guidebook proposing solutions to ethnic conflicts* ("*Puhumalla paras – ratkaisuja arjen etnisiin konflikteihin*").³⁶ The guidebook is intended for persons working with ethnic minorities in the police force, the social and health sector and the youth sector, and for employees of the churches and different organisations.

The police endeavour to inform the media and the public about issues within its sphere of competence of the police on an equal basis. The measures taken by the police to combat racism on the Internet are described above under Article 4.

Recruitment of police personnel

The Language Act (423/2003) and the Act on the Knowledge of Languages Required of Personnel in Public Bodies (424/2003) took effect on 1 January 2004. According to Section 5 of the latter Act, provisions on requirements related to knowledge of Finnish and Swedish shall always be issued if the assignments of the personnel encompass exercise of public power that is significant from the point of view of the rights and obligations of the individual person. In the police administration, significant public power is exercised by individual policemen as well as guards and senior guards of police departments. For this reason the Decree on the Police Administration (158/1996) contains provisions on the knowledge of Finnish and

33 Puheenvuoroja poliisin ammattietikasta (Addresses on police ethics). Publications of the Supreme Police Command 3/2008., available in Finnish at

<[http://www.intermin.fi/intermin/biblio.nsf/F44FC1BF5A55D209C22573E80041BE85/\\$file/3-2008.pdf](http://www.intermin.fi/intermin/biblio.nsf/F44FC1BF5A55D209C22573E80041BE85/$file/3-2008.pdf)>.

34 Sisäasiainministeriön yhdenvertaisuussuunnitelma 2009-2011, available in Finnish at <<http://www.intermin.fi/julkaisu/372008>>.

35 Lähipoliisitoiminnan strategia (The Strategy for Neighbourhood Police Activities). Publications of the Supreme Police Command 1/2007, available in Finnish at

<[http://www.intermin.fi/intermin/biblio.nsf/EC70AF80DB717629C225726B003EAE8/\\$file/1-2007.pdf](http://www.intermin.fi/intermin/biblio.nsf/EC70AF80DB717629C225726B003EAE8/$file/1-2007.pdf)>.

36 Ekholm, Elina, Salmenkangas, Mai: Puhumalla paras. Ratkaisuja arjen etnisiin konflikteihin (Best by Speaking. Solutions to Everyday Ethnic Conflicts). Publications of the Ministry for the Interior 1/2008, available in Finnish at

<[http://www.intermin.fi/intermin/biblio.nsf/7B320EC58B779A73C225742F003F85CD/\\$file/012008.pdf](http://www.intermin.fi/intermin/biblio.nsf/7B320EC58B779A73C225742F003F85CD/$file/012008.pdf)>.

Swedish required of policemen and guards and senior guards of police departments. The police play a very important role in guaranteeing citizens' legal security. A policeman is entitled, at his or her own discretion, to use force against an individual or to intervene in an individual's basic rights in other significant manners. Therefore it is important that the officials of the police administration exercising their powers have a sufficient knowledge of both national languages.

Persons with a minority background have applied for admission to the police training and also been recruited. The admission criteria for the training have been revised, and therefore exceptions may be made in special individual cases for example from the requirement of Finnish citizenship. The entrance examination includes a language test in the language of instruction and examination, but not in the other national language. The studies for the basic police diploma contain instruction of the other national language, too.

Since December 2006 it has been possible to prove one's qualifications in the other national language required for a policeman's post by *passing a language test included in the studies for the basic diploma*. Section 7 a (1032/2006) of the Government Decree on Police Training (283/2005) contains provisions to this effect. According to the curriculum adopted by the Ministry of the Interior, the Police College of Finland may, on application by a student, exempt him or her from studies of the other national language and the language test for example on the ground that the student has been educated abroad. Appointment to the post of a policeman without a certificate of the knowledge of the two national languages is, however, subject to an exemption granted by the Ministry of the Interior.

Situation and segregation of Roma prisoners

The segregation of Roma prisoners has been successful in some situations, even though not always. The prevailing situation in open prisons is usually good. In closed prisons, too, it is usually possible to place Roma prisoners in ordinary residential departments, and they may engage normally in the activities arranged in the prison. Segregation of Roma prisoners from others usually takes place at their own request and with consideration to the avoidance behaviour required by the Roma culture as well as other personal requirements and needs, such as needs for education and training. Although some Roma prisoners are illiterate, their participation in education and training is voluntary.

However, the Advisory Board on Romani Affairs has pointed out that contacts from Roma prisoners serving their sentence indicate that their situation in prisons may even have deteriorated during the reporting period. In this context, the Advisory Board has expressed its concern about the sufficiency of the resources allocated to prisons.

The equality plan of the Prison Service adopted after 2006 recognises that it is vitally important to provide more training in pluralism to prison staff in order to make it possible to identify discriminatory procedures and to change models of operation. In respect of minorities, equality may also be increased by providing more counselling. Two prisons have nominated *a contact person for Roma issues*, with the task of maintaining contacts with both Roma prisoners and Roma organisations.

Between 1 December 2005 and 30 September 2006 the Finnish National Board of Education, at the order of the Ministry of Education, conducted *a study to produce information about the vocational training provided to prisoners*. The study was intended to support the devel-

opment of such training in the changing operating environment. During autumn 2007 and in 2008, the Ministry of Education, the Criminal Sanctions Agency under the Ministry of Justice and the Finnish National Board of Education prepared a plan of measures to develop the vocational training of prisoners on the basis of the proposals for development made in the study.³⁷ The plan pays attention to the opportunities of Roma prisoners to attend vocational training.

In 2008 the *Team for the Roma at the Finnish National Board of Education* granted in all EUR 30,000 to six different prisons for arranging training for Roma prisoners. The Board of Education has started negotiations on transferring the responsibility for this training to prison authorities, but it will most probably continue to support the instruction of the Roma language to prisoners, because it has the knowhow and staff needed for this purpose.

Prosecution Service and minority rights

When the Act on the Exercise of Freedom of Expression in Mass Media (460/2003) took effect at the beginning of 2004, the right to institute criminal proceedings was transferred to the Prosecutor General in respect of all offences based on the content of a published message and subject to public prosecution. Ethnic agitation under Chapter 11, Section 8 of the Criminal Code is a typical offence related to the freedom of expression. Section 8 provides that a person who spreads statements or other information among the public where a certain national, ethnic, racial or religious group or a comparable population group is threatened, defamed or insulted shall be sentenced for ethnic agitation. The numbers of charges for ethnic agitation brought in different years are two in 2004, one in 2005 and 2006, and three in 2007.

In the *Prosecutor General's instructions to prosecutors* the latter are obligated to inform the Office of the Prosecutor General about all socially significant criminal cases assigned to them.³⁸ According to the instructions, these cases include offences with manifestly racist motives. Only few such cases have been reported annually (5 cases in 2004; 5 in 2005; 4 in 2006; 6 in 2007) in proportion to the number of, for instance, the charges brought every year for suspected discrimination under Chapter 11, Section 9 of the Criminal Code (20 cases in 2004, 16 in 2005, 16 in 2006 and 15 in 2007). Since the intended threshold for reporting racist offences to the police is very low, it can be suspected that prosecutors do not easily identify such offences as socially significant, or as racist in general, in the manner envisaged in the instructions. The Prosecution Service is aware of this problem and has taken the following measures to correct it:

In order to avoid overlooking racist motives as grounds for increasing punishment in prosecution and judgments as provided for in Chapter 6, Section 5(4) of the Criminal Code, the consideration of suspected racist offences and hate crimes has been set as one performance target for the Prosecution Service in 2008 and 2009. In practice this means that local prose-

37 Vankien ammatillisen koulutuksen kehittämisen toimenpidesuunnitelma (Action Plan for the Development of the Vocational Education for Prisoners). Reports of the Ministry of Education 2008:57, available in Finnish at <http://www.minedu.fi/export/sites/default/OPM/Julkaisut/2008/liitteet/tr27.pdf?lang=fi>.

38 Paikallisten syyttäväviranomaisten ilmoitusvelvollisuus (The Reporting Obligation of Local Prosecution Authorities). Publications of the Prosecutor General VKS:2008:1, available in Finnish at <http://www.vksv.oikeus.fi/Etusivu/VKSnmaarayksetjaohjeet/Muutohjeetjamaaraykset/VKS20081Paikallistensyyttaviranomaistenilmoitusvelvollisuus>.

ctor's offices must, at the end of 2008 and 2009, assess how racist motives in criminal acts have been identified and taken into account in the descriptions of the acts in the indictments and in the reasoning for the sanctions imposed. The assessment must detail the number of those cases referred to the prosecutor's office which the police have considered to involve racist motives as well as the number of those applications for summons (containing indictments and evidence) filed by the offices where racist motives have been invoked. This information also makes it possible to assess whether the prosecutor's office and the police identify the same suspected criminal acts as racist offences. In addition, on 10 June 2008, the Prosecutor General issued the Prosecution Service with detailed instructions for performing the assessment in practice and reporting on it. Moreover, the information bulletin of the prosecutor service ("Akkusastoori") published on 14 December 2007 contained *an article describing racist offences ("Rasistinen rikos – mikä se on?"*). This article, written by Mika Illman, State Prosecutor, helps prosecutors recognise the content and consequences of a racist offence, and thus facilitates identifying offences of this type.

Finland contributes to intensifying the combat against racism and xenophobia by participating in the harmonisation of penal provisions in the European Union. The draft proposal for a Council Framework Decision on combating racism and xenophobia imposes an obligation to criminalise racist and xenophobic conducts defined in the Framework Decision and an obligation to determine penalties and the grounds for aggravating sentences.³⁹ According to the proposal the liability of legal persons would be extended to these criminal acts, and the sanctions for legal persons would be laid down in the Framework Decision. The proposal also contains articles on initiation of prosecutions and on jurisdiction.

Decisions of the Deputy Prosecutor General on complaints related to minorities

Decisions of the Deputy Prosecutor General due to complaints about the conduct of prosecutors are one of the most important instruments available to the Office of the Prosecutor General for supervising the Prosecution Service. Summaries of the most significant decisions are published at the Internet site of the Office and used for training of prosecutors.⁴⁰ The following decisions on minority issues made during the reporting period deserve to be mentioned:

Decision 113/21/04, issued on 13 June 2006: The police had examined in pre-trial investigation whether a municipal official responsible for housing issues had committed discrimination by refusing to grant a municipal rental dwelling to a Roma woman and her family. The leading district prosecutor had made a decision of a sanctioning nature to waive prosecution, holding that although the official had committed discrimination the act was to be regarded as a minor offence. It also appeared from the case file that the application for a dwelling filed by the woman had, at one stage of the application procedure, been referred to the municipal executive board for decision. The municipal manager had proposed a decision to grant the woman a vacant rental dwelling. However, the board had not granted this dwelling to her but had started to examine what the municipal tenants already residing in the area in question thought about the Roma woman's wish to obtain a rental dwelling in that area. When the Ombudsman for Minorities complained about the case to the Office of the Prosecutor General, the Office decided to request the police to conduct additional investigation in order to examine whether the conduct of the members of the municipal executive board had amounted to discrimination and violation of official duty. On the ground of the additional investigation the Deputy Prosecutor General ordered that seven members of the board be charged with

39 Proposal for a Council Framework Decision on combating racism and xenophobia.COM(2001) 664 final.

40 <<http://www.oikeus.fi/vksv/>>.

violation of official duty before the Kemi-Tornio District Court. The right to institute criminal proceedings concerning suspected discrimination had become time-barred. On 15 March 2007 the District Court sentenced the defendants to fines for negligent violation of official duty. The judgment has become legally valid.

Decision 103/41/05, issued on 30 November 2005: Due to information from the Finnish League for Human Rights, the Office of the Prosecutor General examined five cases where discrimination was suspected because Roma persons had been refused entry into restaurants. In all cases the pre-trial investigation had taken more than one year. In four cases the district prosecutor had decided to bring charges for discrimination. The time between the bringing of the charges and the expiry of the right to institute criminal proceedings was 3.5 or 4.5 months. One of the defendants had been summoned to court before the prosecution became time-barred. In the above-mentioned four cases the prosecution had become time-barred in respect of five defendants, because no summonses had been served on them in due time. However, the district prosecutor had not delayed the consideration of charges without cause. Nevertheless, the Deputy Prosecutor General informed the district prosecutor about his opinion that the specific features of discrimination offences warrant a rapid consideration of charges in cases where such offences are suspected. Discrimination offences are often adjudicated on the basis of evidence presented in person. A long time passing since the incidents is conducive to complicating the investigation. The amount of the pre-trial investigation material is often limited. In prosecutors' activities it is warranted to try to process suspicions of discrimination offences within the average time of consideration of charges, especially in cases where the pre-trial investigation has taken a relatively long time. Being a victim of a discrimination offence is humiliating, even when taking account of the personal characteristics of the offender. The prosecutor's conduct must not aggravate the humiliation. Prosecutors must not give victims of discrimination the impression that their experience is disparaged or ignored.

Portrayal of minorities in the media and the Internet

Media with national coverage is rather neutral in its reporting, but intolerant messages continue to appear in local media, especially in crime news reporting. Moreover, there are still rather few radio and television programmes dealing with minority groups, made by them or produced in their languages.

Public interest in minorities and immigrants has increased, and the attitudes towards them have become more positive. Since 2005, the Finnish Broadcasting Company has, jointly with its cooperation partners, arranged media education, training and traineeships for immigrants and minorities (*Mundo training*). However, the Advisory Board on Romani Affairs has pointed out that the participating editors and media professionals with a Roma background have not been employed by the Company after the training. So far, there is no television programme produced in the Roma language, either. In summer 2006 the Advisory Board on Romani Affairs arranged *a seminar entitled "The Roma and the Media"*, which was also attended by representatives of some of the mainstream television and press media in Finland.

In 2007 a series of entertainment programmes entitled *"Manne-TV/Romano-TV"* inspired a lively discussion among Roma and in media. This discussion also came to deal with internal conflicts within the Roma community and the interfaces between compliance with traditions and the rights of an individual. As a result, for instance the term "avoidance behaviour" be-

came more generally known. In December 2007 the Advisory Board on Romani Affairs issued an opinion which very clearly condemned all violence.

The Sámi Parliament has expressed its concern about the negative attitudes shown towards the Sámi in the press and increasingly also on the Internet. According to the Ombudsman for Minorities, the prolonged dispute on land rights seems to have a negative impact on attitudes and ethnic relations at local level. This in turn influences the realisation of the rights of the Sámi in different sectors of life.

Racism on the Internet is discussed above under Article 4.

ARTICLE 7

The Parties shall ensure respect for the right of every person belonging to a national minority to freedom of peaceful assembly, freedom of association, freedom of expression, and freedom of thought, conscience and religion.

Respect for the freedom of thought, conscience and religion

The freedom of religion and conscience will be accounted for in connection with Article 8. Breach of the sanctity of religion (Chapter 17, Section 10, 563/1998) and prevention of worship (Chapter 17, Section 11, 563/1998) are prescribed as punishable by the Criminal Code of Finland.

As to the Article in other respects, reference is made to the previous periodic report.

ARTICLE 8

The Parties undertake to recognize that every person belonging to a national minority has the right to manifest his or her religion or belief and to establish religious institutions, organisations and associations.

Freedom of religion and conscience

The Constitution of Finland guarantees everyone the freedom of religion and conscience, which entails the right to profess and practice a religion, the right to express one's convictions and the right to be a member of or decline to be a member of a religious community. In 2008, 80.7 per cent of the population of Finland belonged to the Evangelical Lutheran Church, 1.1 per cent to the Greek Orthodox Church and 1.3 per cent to other religious communities. Some 16.9 per cent are non-affiliated. Denominational teaching of religion, based on different religious communities' beliefs, is arranged in comprehensive and general upper secondary schools.⁴¹ —

According to the Freedom of Religion Act (453/2003), the term *religious community* refers to the Evangelical Lutheran Church, the Greek Orthodox Church and religious communities

⁴¹ Statistics Finland, Population Statistics 2008.

registered as prescribed by the same Act. At the moment, approximately 60 religious communities are active in Finland within the scope of application of the Freedom of Religion Act. These communities have in all approximately 66 000 members. Religious communities which have at least 200 members are entitled to seek discretionary Government transfers for the organisation of their activities. The amount of the transfer is determined on the basis of the number of members of the community, and such transfers were granted for the first time in 2008 for the total of EUR 200,000.

Funeral Services

Section 11 of the Constitution (731/1999) provides everyone in Finland with freedom of religion. Different religious groups may thus practice their religion within the framework of the Constitution and the Freedom of Religion Act (453/2003). The Advisory Board for Ethnic Relations has in its activities purported to enhance a good dialogue between various religious groups and cultures.

Under the Act on the Funeral Administration (457/2003), everyone is entitled to a burial plot in the cemetery of the Evangelical Lutheran congregation of his or her municipality of residence. The congregation may also give a burial plot to a person from another municipality. As from 1 January 2007, it has been possible to have a burial plot in a special non-denominational burial ground. A non-denominational burial ground is intended to be a religiously neutral alternative for those who do not wish to be buried in an Evangelical Lutheran cemetery for religious or ideological reasons.

A Burial Ground Board has been established under the Islamic Council of Finland with member organisations of the Council, actors in charge of burial ground matters in Finland and any interested individuals as its members. The Board is tasked to organise burial ceremonies together with any other actors in charge thereof, provide information on Islamic burial practices, promote the establishment of a Islamic Burial Ground Foundation in Finland, promote the establishment of Islamic burial grounds and that of burial rows intended for Muslims to existing burial grounds, as well as to manage such burial grounds.

Circumcision of boys

In Finland, about one hundred non-medical circumcisions of boys are conducted annually on grounds of Judaism and the Islamic faith. In all municipalities, these operations are not conducted within public health care. Circumcisions should nevertheless be conducted in circumstances where sufficient medical expertise, level of hygiene and pain relief are assured.

In a precedent issued during the reporting period, the Supreme Court expressed a position on the circumcision of boys.⁴² The Supreme Court did not consider the circumcision conducted on a four-year-old boy illegal or punishable. According to the ruling, the operation had been performed for reasons acceptable from the point of view of the child, related to the boy's and his guardian's religion, and it had been performed in a medically appropriate way and without causing the child unnecessary pain. Therefore, when assessed as a whole, the operation interfered with the child's physical integrity only to a lesser extent and was not considered to be against his best interests.

42 Supreme Court: KKO: 2008:93, available in Finnish and Swedish at <www.finlex.fi>.

Legal ambiguities related to the non-medical circumcision of boys have manifested themselves as diverging approaches adopted by authorities and in the case law. The Ministerial working group on socio-political issues will take a stand on the issue in the course of 2009. If legal measures are required for the clarification of the situation, a Government bill will be issued on the matter.

The Central Union for Child Welfare regards that, in connection with circumcisions of children, respect for traditions of minorities must not lead to violations of the personal integrity and the rights of individuals belonging to these minorities. In the view of the Central Union, boys should not be circumcised until they are adults, as adults are capable of making decisions concerning their health and sexual health.

As to the Article in other respects, reference is made to the previous periodic report.

ARTICLE 9

1. The Parties undertake to recognise that the right to freedom of expression of every person belonging to a national minority includes freedom to hold opinions and to receive and impart information and ideas in the minority language, without interference by public authorities and regardless of frontiers. The Parties shall ensure, within the framework of their legal systems, that persons belonging to a national minority are not discriminated against in their access to the media.

2. Paragraph 1 shall not prevent Parties from requiring the licensing, without discrimination and based on objective criteria, of sound radio and television broadcasting, or cinema enterprises.

3. The Parties shall not hinder the creation and the use of printed media by persons belonging to national minorities. In the legal framework of sound radio and television broadcasting, they shall ensure, as far as possible, and taking into account the provisions of paragraph 1, that persons belonging to national minorities are granted the possibility of creating and using their own media.

4. In the framework of their legal systems, the Parties shall adopt adequate measures in order to facilitate access to the media for persons belonging to national minorities and in order to promote tolerance and permit cultural pluralism.

Support system for printed media in minority languages

In accordance with the Government Programme of 2007, the Government decided on the allocation of so-called *selective press subsidies* in June 2007.⁴³ The Decree of the Ministry of Transport and Communications on Press Subsidies (2008/389) has been amended correspondingly. Previously, press subsidies were granted mainly only to political newspapers. An appropriation of 500,000 Euros was reserved in the 2008 state budget for supporting newspapers published in minority languages and corresponding electronic publications, as well as news reporting services in Swedish. Selective press subsidies can thus be applied for by newspapers and Internet publications published in the Swedish, Sámi, Roma and sign languages as well as by Swedish language news reporting services. The purpose of the subsidies is to promote the freedom of expression and versatility and diversity in communication.

⁴³ See page 11 above.

In 2008, no applications were received for subsidies for publishing newspapers in Sámi. The establishment of a Sámi newspaper therefore largely depends on the activity of the speakers of the Sámi language.

Both the Sámi Parliament and the Advisory Board on Romani Affairs have regarded the definition of a "newspaper" under Section 3(a) of the Decree as problematic. According to the Decree, subsidies may only be granted to newspapers that are both published and printed in Finland. Thus, for example a Sámi language newspaper produced in cooperation with other Nordic countries is not entitled to such subsidies.

The Sámi Parliament and the Swedish Assembly of Finland have underlined the need to evaluate the amount of the selective press subsidy. According to the Swedish Assembly of Finland, the press subsidy is, in its current amount, sufficiently large to cover only a fraction of the needs of the printed media in minority languages. The League of Russian-Speaking Associations has noted that, currently, also the Russian-language media remains outside the selective press subsidy.

Minority cultures in programmes of the Finnish Broadcasting Company Ltd.

During the reporting period, the Act on Yleisradio Oy (*the Finnish Broadcasting Company*, 1380/1993) was amended once (635/2005). The Broadcasting Company's public service duties related to the minority languages were also subject to the amendment. The amendment, which became effective in 2005, underlines the multicultural aspect of the Broadcasting Company by obliging it to put more weight on programmes targeted at different linguistic and cultural groups. According to the *amended provision on the Company's public service duty*, the company is, *inter alia*, responsible for the provision of comprehensive television and radio programme services with the related additional and extra services for all citizens under equal conditions. According to Section 7, subsections 4, 5 and 6 of the Act, the Broadcasting Company must treat Finnish-speaking and Swedish-speaking citizens on equal grounds in its broadcasting, produce services in the Sami, Roma and sign languages and, where applicable, in the languages of other linguistic groups in Finland; support tolerance and multiculturalism and provide programming for minority and special groups; as well as promote cultural interaction and provide programming directed abroad.

The Administrative Council of the Broadcasting Company must submit *a report on the fulfilment of the public service duties* to Parliament every two years. According to Section 6, subsections 1 and 4 of the Act on the Broadcasting Company, the Sámi Parliament must be heard for the preparation of the report.

The Finnish Broadcasting Company has prepared *a service strategy to support and strengthen the visibility and inclusion of the special groups and minorities* in its activities and recruitment. Representatives of different minority groups were heard for the preparation of the strategy, and the proposals made in it will be implemented gradually by 2010.

Broadcasting and press in Swedish

Television programmes were supplied in Swedish by *Finlands Svenska Television, FST* from 2001 to 2007 both analogically and in a digital format. The digital television channel FST5

started its activities in August 2007 and combined, from September 2007 onwards, the channels that broadcast in the Swedish language in Finland. *The digital full-service television channel FST5* also functions as the primary channel for the Finnish Broadcasting Company's Nordic programmes.

With regard to Swedish language broadcasting and press in other respects, reference is made to the previous periodic report.

Broadcasting services and press in Sámi

The development of Sámi language services is included in the strategic planning of the Finnish Broadcasting Company on its different levels. In addition, activities are being developed in close cooperation between Finland, Sweden and Norway.

Sámi Radio, which is part of the Finnish Broadcasting Company, broadcasts annually about 2,000 hours of radio programmes in Sámi in Northern Lapland. Out of this time, 1,800 hours are broadcast in North Sámi, 100 hours in Skolt Sámi and 100 hours in Inari Sámi. The programmes include music, news broadcasting, programmes of topical questions, culture, entertainment as well as programmes for children and adolescents and devotional programmes. The children's programme broadcast once a week is transmitted in three languages, in Inari, Skolt and North Sámi. Regional news releases are broadcast six times a day in weekdays and Nordic news releases five times a day. A radio news release in Skolt and Inari Sámi is broadcast once a week.

The Broadcasting Company has enhanced its television programming in Sámi by launching on 16 September 2007 a 15 minute programme entitled *Unna Junná* for children. The programme is transmitted on TV 2 channel once a week on Sunday mornings from 7.45 to 8.00 a.m. and as a re-run on FST5 channel from 10.30 to 10.45 a.m. In addition, *Unna Junná* can be watched on the *TV Finland* satellite channel on Sundays at 7.30 a.m. The programme is produced jointly by Sámi Radio and the *SVT Sápmi* of the Swedish Television Company and is subtitled in Finnish and Swedish. The programme is mainly spoken in North Sámi, and partly also in Inari and Skolt Sámi. In the course of autumn 2007, 15 episodes of *Unna Junná* came out. In the years 2008 and 2009, 30 additional episodes are produced.

The Sámi language television news, *Oddasat*, are broadcast on the Broadcasting Company's *FST5* channel in Northern Finland. Nationwide re-runs are broadcast on FST5 late in the evening with Finnish and Swedish subtitles. The TV2 channel releases the news with subtitles in Finnish as re-runs at 9 a.m. in the following morning. The *Oddasat* broadcast on Friday is released on Saturday also elsewhere in Europe via the *TV Finland* channel.

The Sámi Parliament has considered the effects which the changeover from analog TV broadcasting to digital broadcasting in Finland in 2007 may have on the availability of TV news broadcasting in Sámi. Since the end of analog broadcasting there have been problems in the reception of TV broadcasting in some of the shadow areas in the Sámi Homeland.

The Sámi news desks of the Norwegian Broadcasting Corporation *NRK*, the Finnish Broadcasting Company and the Swedish Television Company *SVT* produce Sámi news as Nordic cooperation. The news releases are mainly transmitted in North Sámi. The Sámi TV news are released on weekdays, excepting a nine-week summer break. First-time releases cover about 48 hours per year. Starting from 5 October 2007, the 60th anniversary of Sámi language ra-

dio broadcasting, the entire radio programme service in Sámi was made available to listeners also through the Broadcasting Company's Internet service *Areena*, so that the network radio today reaches also the audience outside the coverage area of the radio.

Children's programmes in Sámi are available through the Broadcasting Company's *Living Archive* service on the Internet. New releases in Sámi can also be viewed on the Broadcasting Company's *Areena* service on the Internet, where children's programmes are available after their release for a month. The Broadcasting Company's Sámi Radio Internet site enables listening to radio news, which are also available in a text format. Children's programmes and Inari and Skolt Sámi programmes are also available on demand.

The Sámi Parliament has highlighted the significant role of the media in influencing attitudes in the modern society. According to the Parliament, information about the Sámi languages and the Sámi culture should be disseminated even more effectively through the media. The subtitling of Sámi news in Finnish would, among other issues, be necessary in order to present a Sámi viewpoint when dealing with current affairs. The Sámi Parliament considers the subtitling of Sámi news in Finnish only for the following morning's news re-run a disadvantage.

No Sámi language newspaper is published in Finland. In Norway, a newspaper entitled *Ávvir*, which reports on matters and events taking place mainly in the Norwegian Sámi Homeland, is published daily. The Sámi Parliament's stand on press subsidies has been discussed above in the section on the support system for printed media of minority cultures. Possible cooperation with the *Ávvir* newspaper, published and printed in Norway, does not meet the criteria set by the Decree of the Ministry of Transport and Communications on press subsidies (2008/389). According to the Sámi Parliament, a Sámi newspaper released in Finland could contribute to the dissemination of information among the Finnish Sámi, while strengthening at the same time the Sámi languages and the North Sámi dialects spoken in Finland.

Broadcasting services and press in Roma

The *Radio Suomi* channel of the Finnish Broadcasting Company transmits weekly 14 minutes long news and current affairs programme entitled *Romanihelmiä - Romano Mirits (Roma Pearls)*. This programme in Roma is targeted at the Roma population in Finland.

Currently, the Roma have a somewhat stronger presence in TV broadcasting than before, but there are still no TV programmes in the Roma language or programmes targeted at the Roma. The *Mundo* project, supported under the *Equal Programme* of the European Social Fund, was a media training and on-the-job learning project for immigrants and ethnic minorities in Finland. Also journalists and media professionals with Roma background were trained in the framework of the *Mundo* project, which was organised by the Finnish Broadcasting Company during 2004–2007.

The Roma are more visible than before particularly in the press, and they are portrayed in a more positive light. At the moment, three Finnish language Roma newspapers are published with articles written also in Roma. The following Roma newspapers are published regularly:

1. *Romano Boodos*, published by *Romano Missio ry*. Circulation 6000 copies. By subscription and sale of single copies. Published four to five times a year. Nationwide coverage.

2. *Elämä ja Valo (Life and Light)*, published by *Elämä ja Valo ry*. Circulation 3000 copies. By subscription and sale of single copies. Published five times a year. Nationwide coverage.
3. *Latso Diives*, published by the Finnish National Board of Education. Circulation 2000 copies. Free publication. Published four times a year. Nationwide coverage.

The Advisory Board on Romani Affairs has brought up the fact that there has been no progress in the provision by the Broadcasting Company of programmes for the Roma or in Roma during the reporting period. The broadcasting time of programmes targeted at the Roma has not been increased, and no programme concepts have been developed. The television, even after the changeover to digital transmission, provides neither Roma language programmes nor programmes targeted at the Roma.

The stand taken by the Advisory Board on Romani Affairs on press subsidies has been discussed above in the section on the support system for printed media of minority cultures. According to the Advisory Board, it is not possible at the moment to produce for the 10,000 Roma scattered across the country a newspaper or a network publication that could be considered a newspaper on the basis of its publication frequency.

According to the Advisory Board on Romani Affairs, there is evident demand for a Roma language network publication.

Broadcasting services and press in Russian

Radio Satellite Finland Ltd. exercises analog radio transmission in specifically designated locations and frequencies in the area situated between Helsinki and Lappeenranta in South-eastern Finland. According to the conditions of the operation licence, the programmes shall be mainly in Russian, contain news and current affairs programmes and promote open dialogue between citizens. For the time being, the licence is valid until the end of the year 2011. At the beginning of 2008, Radio Satellite Finland agreed on part-time transmission of radio programmes with *Radio Majak*, a radio channel playing Russian light music. The new programme format targets in particular Russian-speaking people living in Finland.

Publications in Russian, including the regularly published *Spektr* journal, have been granted support. Out of the budget appropriation allocated for the promotion of multiculturalism, the Ministry of Education has granted support in the amount of EUR 13,000 in 2006, EUR 14,000 in 2007 and EUR 14,000 in 2008. In 2007, the publisher of *Spektr* applied for and obtained an additional subsidy out of the budget appropriation for supporting cultural magazines. In 2008, the *Spektr* did not apply for an additional subsidy. The Ministry of Education has provided support for instance for the publication of a Russian language magazine on literature published in Finland.

The Russian version of the *LiteraruS* literary magazine comes out four times a year and the Finnish version once a year. The free Finnish-Russian newspaper *Severnyi torgovyi put - Venäjän kauppatie* has been published for 15 years. The newspaper comes out 12 times a year with a circulation of about 65,000 copies. *The Russian Club in Tampere* publishes a journal entitled *Russkij Svet* mainly for the Russian immigrants living in the Tampere area and their families. The journal comes out four times a year, in a circulation of about 500 copies.

The cultural services of the city of Tampere produce for the Internet television a weekly current affairs programme entitled *Uninews* and broadcasting the Russian, Farsi and Chinese languages.⁴⁴ The programme provides an up-to-date picture of the Finnish society, which is becoming more and more multicultural.

As to the Article in other respects, reference is made to the previous periodic report.

ARTICLE 10

1. The Parties undertake to recognise that every person belonging to a national minority has the right to use freely and without interference his or her minority language, in private and in public, orally and in writing.

2. In areas inhabited by persons belonging to national minorities traditionally or in substantial numbers, if those persons so request and where such a request corresponds to a real need, the Parties shall endeavour to ensure, as far as possible, the conditions which would make it possible to use the minority language in relations between those persons and the administrative authorities.

3. The Parties undertake to guarantee the right of every person belonging to a national minority to be informed promptly, in a language which he or she understands, of the reasons for his or her arrest, and of the nature and cause of any accusation against him or her, and to defend himself or herself in this language if necessary with the free assistance of an interpreter.

Language Act

The Language Act (423/2003) is a general act on Finland's national languages, Finnish and Swedish, and gives more detailed content to Section 17 of the Constitution. The Act contains references to legislation concerning other languages, as well, and to special legislation containing provisions on languages. The right to use other languages than Finnish and Swedish when dealing with an authority is also regulated by special legislation on judicial procedure, administrative procedure, administrative judicial procedure and education, as well as by legislation on health care and social welfare.

To monitor the application and implementation of the Language Act, the Government submits *a report on the application of the language legislation* in accordance with Section 37 of the Language Act to the Parliament once in every electoral term. The first report was submitted to the Parliament in 2006.⁴⁵ At the end of that report, the Government stated that each decision taken in legislative work and decision-making should be assessed from the point of view of its impacts on the realisation of linguistic rights. Simultaneously, the adequacy of the existing legislation, as well as the bearing of the boundaries between authorities' competences is to be assessed from the point of view of the realization of linguistic rights. Pursuant to Section 36 of the Language Act, the Ministry of Justice monitors the enforcement and application of the Act and issues recommendations in questions related to legislation on the national languages. If necessary, the Ministry takes initiatives and undertakes other measures in

44 <www.tampere.fi/ekstrat/kulttuuri/uninews/uninewsvenaja.wmv>.

45 Report of the Government on the Application of the Language Legislation 2006. Ministry of Justice 2006, available at <<http://www.om.fi/en/1175669279998>>.

order to rectify defects it has observed. According to the report of 2006, the authorities' responsibility for the implementation of basic linguistic rights is consistently set out in legislation.

In March 2009, the Government submitted its *second report on the application of language legislation* to the Parliament.⁴⁶ The second report on the application of language legislation is a monitoring report, which examines the changes that have taken place in the application of the Language Act since 2006 and the implementation of the recommendations issued by the Government. As background for the report, a memorandum was compiled by the Finnish National Board of Education on the sufficiency of the teaching of the national languages with regard to whether the pupils are taught Finnish and Swedish in a manner consistent with the linguistic rights provisions of the Constitution.

The second report on the application of language legislation reveals that serious practical deficiencies still exist in the application of the Language Act in particular on part of the Swedish language. Planning and evaluation of the implementation of the language legislation continues to be rare among authorities and no sufficient guidance has been given to lower level authorities for the realisation of language rights. In 2006 the recommended the authorities to, among other things, establish permanent working groups to consider the provision of service in Finnish and Swedish. Such organs have, nevertheless, thus far not been established. Even though many bilingual municipalities observe and survey the language rights situation, it appears from the second language report that no authority has organised the monitoring of the language legislation particularly well. Similarly as the first report on the application of language legislation, also the second language report includes recommendations addressed to authorities for the development of language rights.

The Swedish Assembly of Finland issued a resolution in April 2009 requesting the Government to take immediate measures to rectify the disadvantages relating to the language rights situation of the Swedish-speaking population group. The Assembly has also suggested that a survey be conducted in order to look into the possibilities of establishing a post of a language ombudsman. The language ombudsman would monitor and develop the implementation of language rights.

As to the Language Act in other respects, reference is made to the previous periodic report.

Sámi Language Act

The purpose of the Sámi Language Act (2003/1086) is to safeguard, for its part, the right of the Sámi people to maintain and develop their own language and culture as provided for in the Constitution. The Act sets out the Sámi people's right to use their own language before courts of law and other authorities, as well as public authorities' obligation to implement and promote the linguistic rights of the Sámi. The goal is to ensure the right of the Sámi to a fair trial and good administration irrespective of language and to secure the linguistic rights of the Sámi without them needing specifically to refer to these rights.

The linguistic rights of the Sámi and the obligations of the authorities within the scope of application of the Sámi Language Act are broader in the Sámi Homeland than outside it. *The*

⁴⁶ Report of the Government on the Application of the Language Legislation 2009. Ministry of Justice 2009, available at <<http://www.om.fi/en/1236880953561>>.

Sámi Homeland refers to the area covered by the municipalities of Enontekiö, Inari and Utsjoki as well as the area of the Lapland reindeer herding co-operative in the municipality of Sodankylä.⁴⁷ In the Act, the term *Sámi language* refers either to Inari Sámi, Skolt Sámi or North Sámi, depending on the language spoken or the principal target group. The Sámi Language Act is a regional Act in nature, and the Sámi Homeland is at the core of its scope of application. Even though the Act is regional in nature, its scope of application has not been defined on a regional basis, but by reference to the authorities that fall within its scope of application and to the matters handled by them. Therefore, the Act is partly applicable at national level for example in an appeal process.

The scope of application of the Sámi Language Act covers, under Section 2 of the Act, 1) the municipal organs of Enontekiö, Inari, Sodankylä and Utsjoki as well as the joint municipal authorities where one or more of the said municipalities are members; 2) the courts and state regional and district authorities whose jurisdiction covers the said municipalities in full or in part; 3) the provincial government of Lapland and the organs attached to it; the Sámi Parliament, the Advisory Board for Sámi Affairs and a village meeting referred to in Section 42 of the Skolt Act (253/1995); some supervisory bodies, authorities and institutions which are central to the citizen's legal protection and whose competence covers the whole country, such as the Chancellor of Justice of the Government, the Parliamentary Ombudsman, the Ombudsman for Equality, the Council for Equality, the Data Protection Ombudsman and the Data Protection Board, the Ombudsman for Minorities, the Social Insurance Institution and, as from 1 May 2008, also the Tax Administration (260/2008); as well as 8) the appeal authorities. Also the reindeer herding cooperatives in the Sámi Homeland and the Association of Reindeer Herding Cooperatives fall within the scope of application of the Act. The Act is also binding on state enterprises and, on certain conditions, other authorities which provide public services in the Sámi Homeland. Purchasing duties assigned to public authorities from private service providers does not affect the obligation of ensuring sufficient linguistic rights.

For each term of the Parliament, the Sámi Language Bureau of the Sámi Parliament and the Sámi Language Council appointed by the Sámi Parliament issue *a report on the application of the legislation on the Sámi language, on the enforcement of the linguistic rights of the Sámi and on the development of language conditions*.⁴⁸ The linguistic report is attached to the report on the general development of matters related to the Sámi submitted to the Government in accordance with the Act on the Sámi Parliament. The first linguistic report was submitted to the Sámi Parliament in autumn 2007 and transmitted to the Government in spring 2008. The report is based on a more extensive 400-page survey attached to the report.

According to the Sámi Parliament, the funding directed at the fostering of bilingualism should be augmented and the grounds for its distribution specified. Furthermore, the role of the Sámi Parliament in the distribution of the funding should be enhanced and the funding targeted at translation and interpretation services increased.

As to the Sámi Language Act in other respects, reference is made to the previous periodic report.

47 Sámi Language Act (2003/1086), Section 3, subsection 3; Act on the Sámi Parliament (974/1995), Section 4.

48 Saamen kielilain toteutuminen vuosina 2004-2006 (The Implementation of the Sámi Language Act from 2004 to 2006). The Sámi Parliament 2008, available in Finnish at <http://www.samediggi.fi/index.php?option=com_content&task=blogcategory&id=74&Itemid=60>.

Administrative Procedure Act

Section 21, subsection 2 of the Constitution guarantees everyone protection under the law and good governance ascertained by law. Section 9 of the Administrative Procedure Act (434/2003) lays down the requirement of proper language and requires authorities to use appropriate, clear and comprehensible language. Section 26 of the Administrative Procedure Act and Section 77 of the Administrative Judicial Procedure Act (586/1996) obligate authorities to see to interpretation and translation. The authority must arrange for interpretation or translation if the person concerned does not speak Finnish or Swedish. The authority shall arrange and pay for the services of an interpreter, or provide and pay for translation in a matter that has been initiated by the authority. In matters initiated by parties, the authority may arrange for interpretation and translation if there are special grounds for doing so.

Use of the Sámi language with authorities

In court and in pre-trial investigation, the Sámi are entitled, when they so wish, to use the services of a Sámi language interpreter and to obtain the documents in Sámi. In civil, criminal and administrative courts with jurisdiction over the Sámi Homeland or a part of it, a Sámi may use the Sámi language orally and in writing and receive a reply in Sámi. If the authority does not have Sámi-speaking personnel, translated documents and interpretation are used when needed, with no extra cost to the party in question or to the accused person.

The Sámi Parliament has produced, among other things, a copy edition of *a legal glossary in North Sámi*, but further resources are needed for the continuation of the work. The development of the glossary in Sámi has not been systematic, which is why the relevant Sámi terminology may not be familiar even to the Sámi individuals working on the field. According to the Sámi Parliament, work on a Sámi neologism glossary would similarly support the implementation of the Sámi Language Act. Funding directed at Sámi linguistics should thus be augmented.

According to the above-mentioned report on the development of the language conditions of the Sámi, no real change has taken place in the number of employees with Sámi language competency in the organs of municipalities or the state, nor has the Sámi Language Act significantly contributed to increasing the Sámi language competency of authorities or public officials.⁴⁹ However, the language report indicates that municipalities are correcting their previous activities on the basis of the Sámi Language Act.

As far as Inari and Skolt Sámi are concerned, the implementation of the Sámi Language Act is being improved by the funding granted to the Sámi Parliament for establishing posts for Inari and Skolt Sámi translators. The posts are intended to be established during the year 2009. Among others, the Register Office of Lapland provides customer service in North Sámi, both orally and in writing. Its sphere of competence covers all the municipalities in the Province of Lapland.

According to Section 12 of the Act on Central Government Transfers to Local Governments (1147/1996), the municipalities in the Sámi Homeland receive a language supplement amounting to ten per cent of the general Government transfer. Thus, for example in 2007,

⁴⁹ See page 58 above.

the language supplement represented a total increase of EUR 55,314 in the Government transfers paid to these municipalities. The language supplement is intended to cover the extra costs incurred from the obligation of service provision in two languages. The supplement is payable, however, in relation to the general Government transfer granted to a municipality, so that it does not correspond to the share of the Sámi-speaking inhabitants of the total population of the municipality.

As mentioned above, according to Section 31 of the Sámi Language Act, an appropriation shall be included in the state budget for purposes of state support to municipalities, parishes, herding cooperatives within the Sámi homeland and private entities for covering the specific additional costs of applying the Act. In recent years, a total of EUR 130,000 per year has been available for covering the support referred to in this provision. Support has been applied for not only to cover translation, announcement and interpretation costs incurred by municipalities but also for teaching Sámi to personnel of municipalities.⁵⁰ —

Use of the Swedish language with authorities

In accordance with the Constitution, the Language Act serves to safeguard the linguistic rights of the Finnish- and Swedish-speaking population groups. The Act is applicable in the municipalities of the Finnish mainland. The Act on the Autonomy of Åland (1144/1991) contains its own provisions on linguistic rights, which concern, inter alia, the Province's official language Swedish, as well as one's right to use Finnish in one's own matter in the court of law or another state authority in the Province (Sections 37-43).

According to the Constitution, the Finnish- and Swedish-speaking population groups have equal linguistic rights.

In 2009, 53 out of 348 municipalities in Finland (62 municipalities out of 415 in 2008) were either Swedish-speaking or bilingual. In 14 of these municipalities (in 22 municipalities in 2008), the language of the majority was Swedish and the minority language Finnish, and, correspondingly, in 20 municipalities (in 21 municipalities in 2008), Finnish was the majority language and Swedish the minority language. In parts of the Finnish mainland, Finnish-speakers represent the minority, about 37,000 people (40,000 people in 2008) in total. In the Finnish mainland, there are three municipalities with Swedish as the majority language. The 16 municipalities of Åland are all Swedish-speaking.

The Association of Finnish Local and Regional Authorities has implemented *a project on language service commitment in administration* to help municipalities set up service commitments and develop services directed to the minority language speakers of bilingual municipalities regardless of whether their mother tongue is Finnish or Swedish. The project also includes models targeted at improving the language skills of municipality personnel.

The Act on Judicial Appointments (205/2000) took effect in 2004. According to Section 12 of the Act, a person may be appointed judge if he or she meets the qualifications laid down in Section 11 and has excellent oral and written skills in the majority language spoken in the court's judicial district and, in a monolingual court, satisfactory comprehension and oral skills in the second language, or, in a bilingual court, satisfactory oral and written skills in the second language.

⁵⁰ See page 10 above.

Language requirements for personnel in other public bodies are set out in the related Act (424/2003). According to Section 2 of the Act, an authority must ensure, by organising lessons and through other personnel policy measures, that its personnel has a sufficient knowledge of languages in order to attend to the tasks of the authority in accordance with the requirements of the Language Act and of other legislation. According to Section 3, when a person is being recruited for an official position or otherwise for service, it must be verified that his or her knowledge of languages meets the linguistic requirements for the work assignments.

It appears from the *second report of the Government on the application of language legislation* that large differences continue to exist between the service provided by authorities in Finnish and in Swedish.⁵¹ Finnish-speaking inhabitants of municipalities reported that they almost always received service in Finnish in bilingual municipalities with Swedish as the majority language, while the Swedish-speakers in a comparable situation were served in Swedish only upon a specific request. Service in Swedish was not considered necessary by bilingual authorities, if a customer agreed to speak Finnish. This does not, however, correspond to the legal obligation to provide service in a customer's own language regardless of any other languages the customer may have knowledge of. For the most part, authorities did not clarify a customer's own language before or during the first customer contact. The Government thus repeated its recommendation, originally issued in 2006 in the first language report, according to which authorities should in an organised manner revise any service and administrative processes from the viewpoint of the realisation of language rights.

In 2006, *the Deputy Parliamentary Ombudsman* took a stand on the duration of proceedings on cases processed in Swedish by the Court of Appeal of Vaasa, and, as a result, at his own initiative, conducted a survey on the duration of proceedings in Swedish before the Courts of Appeal of Helsinki and Turku. It was concluded that there had been differences in the processing times, in particular in favour of criminal cases processed in Finnish. The differences in the lengths of proceedings could nevertheless not be considered so great that the reasons for them should have been examined more in detail. In the light of statistics, one of the reasons for the slower processing of cases in Swedish may be the small number of cases since in a small group of cases, a single case may affect the average processing time more than in a larger one. In his decision concerning the Vaasa Court of Appeal, the Deputy Parliamentary Ombudsman regarded that the longer duration of the processing of cases in Swedish resulted, among other things, from lack of resources.

Decision no. 3433/2/06 of the Deputy Parliamentary Ombudsman concerned problems brought up by the Provincial Government of Åland relating to the translation of domestic preparatory documents in matters pertaining to the European Union and the languages spoken in the preparatory meetings. As a conclusion, the Deputy Ombudsman stated that the full and equal participation of the authorities of the Province in the preparation of matters pertaining to the EU within the meaning of Section 59 a, subsection 1 of the Act on the Autonomy of Åland (2004/68) requires that the domestic preparatory documents drawn up by the Government be written in Swedish in line with Section 38 of the Act, when they are to be transmitted to the authorities of the Province.

⁵¹ Report of the Government on the Application of the Language Legislation 2009. Ministry of Justice 2009.

In spring 2007, the Government Secretariat for EU Affairs launched *a process with the intention of reviewing and, if needed, revising all existing instructions on the preparation of EU-related matters*. The revision of the instructions concerning Åland will be carried out in co-operation between the Provincial Government of Åland and the Ministry of Justice.

Linguistic rights of Swedish-speaking people in criminal matters

Within the prosecution service, efforts have been made to enhance the position of the Swedish language in local prosecution offices. From the beginning of April 2007, there have been 15 local prosecution offices in Finland, five of them bilingual, and one Swedish-speaking office in the Province of Åland. According to Section 8 of the Government Decree on Prosecution Offices (88/2007), part of the prosecutors in bilingual prosecution offices are required to meet stricter language requirements than the other prosecutors. In addition to good oral and written skills in Finnish, they are required to have excellent oral and written skills in Swedish. These *language skill requirements emphasizing Swedish* apply to three posts of prosecutors in the offices of Helsinki, Western Uusimaa and Eastern Uusimaa, two posts of prosecutors in the office of Varsinais-Suomi and five posts of prosecutors and one post of deputy prosecutor in the office of Ostrobothnia. Moreover, the Prosecutor General may allot a criminal case in Swedish to a subordinate prosecutor with a good command of Swedish even outside that prosecutor's regular jurisdiction.⁵² In this manner, the availability of prosecutor's services in Swedish is ensured also in Finnish-speaking offices when they are exceptionally processing a criminal case with Swedish-speaking parties.

The court training of the 20 deputy prosecutors which started in 2008 lasted exceptionally one and a half years. They were placed in prosecution offices across the country. The position of the Swedish language was taken into account by admitting at least two deputy prosecutors with a good knowledge of Swedish for the court training period. One of them was placed in the prosecution office of Ostrobothnia and the other in the prosecution office of Eastern Uusimaa. Despite the fact that the Swedish language skill requirements have increased the number of prosecutors with an excellent command of Swedish in the prosecution service, the linguistic rights of Swedish-speaking parties are not fully realised in practise, when considering the criminal process in its entirety. This information is based on a preliminary analysis of *a survey on bilingual prosecution offices* conducted by the Ministry of Justice with the assistance of the Office of the Prosecutor General. According to the replies to the survey, Swedish-speaking parties are sometimes questioned in Finnish in pre-trial investigation, the cases with Swedish-speaking parties are not systematically assigned to Swedish-speaking prosecutors and at main hearings, Swedish-speaking parties are not automatically addressed in Swedish.

Linguistic rights of Sámi-speaking people in criminal matters

The measures undertaken for the enhancement of the position of the Sámi language in the prosecution service target the prosecution office of Lapland, the jurisdiction of which has encompassed the entire Province of Lapland since April 2007. According to the territorial principle, prosecution is mainly conducted at the headquarters of the prosecution office in Rovaniemi and its five service bureaus located in Kemi, Kemijärvi, Tornio, Ivalo and Sodankylä. In the Sámi Homeland, prosecution services have been organised so that the Sodankylä

⁵² Act on Public Prosecutors (199/1997), Section 10, subsection 2.

service bureau has one prosecutor and a secretary. Due to the small number of criminal cases in the Inari-Utsjoki region, the prosecutor of the Ivalo service bureau is not available daily, but during pre-assigned service hours and whenever necessary.

In interest group cooperation between the pre-trial investigation authorities (the police, customs and the Finnish Border Guard), prosecutors and the District Court of Lapland, efforts are made to realise the rights of the Sámi-speaking people. As early as in the pre-trial phase, the pre-trial investigation authority inquires which language the parties to a criminal case speak as their mother tongue and whether they wish to use the Sámi language in the pre-trial phase and before court. In this manner it is possible to prepare already at the pre-trial stage for having the relevant documents translated and for providing services in Sámi. Relatively few criminal cases involve parties with Sámi as their mother tongue, and even in such cases the parties can speak also Finnish. Interpreters or translation services are seldom called for also because many Sámi-speaking people cannot read or write the language it well enough.

At the moment, the prosecution office of Lapland employs one prosecutor who is being trained in the Sámi language and culture. One of the judges of the District Court of Lapland, a few lay judges the bailiff of Ivalo, six border guards and one policeman in Utsjoki speak Sámi. In the view of the Leading District Prosecutor of Lapland, the service provision in Sámi in administration of criminal justice is satisfactory in the region. Furthermore, *the interpretation and translation service attached to the Sámi Parliament* is available for use in criminal matters.

In spring 2008, the prosecution service organised in Inari *a discussion event on prosecution services in the Sámi Homeland*. At the event, the various cooperating bodies discussed extensively the demand for and the supply of services in Sámi in administration of criminal justice in the region. In addition to the Prosecutor General and other representatives of the prosecution service, representatives of the Sámi Parliament, a specialist in the Sámi Language Act and representatives of the police departments in Lapland, the Finnish Border Guard, the Customs District, legal aid authorities, mediation authorities, advocates, the District Court of Lapland and some municipalities in Lapland participated in the event. The conclusion arrived at was that authorities strive to provide services in Sámi as far as possible in all practical situations in administration of criminal justice.

According to the Sámi Parliament, the courts functioning within the Sámi Homeland do not, against to the provisions of the Sámi Language Act, have personnel with knowledge of a Sámi language. A Sámi-speaking customer may choose Finnish as the language of the proceedings, as trained translators and interpreters may not always be available.

About the availability of social and health care services in minority languages

The Ministry of Social Affairs and Health has published *guidebooks and quality recommendations for municipalities*, emphasizing clients' and patients' linguistic and cultural rights. The most recent guidebooks concern student health care, the promotion of health, pre-primary education, the prevention of close relationship violence and domestic violence, and services provided for older people.⁵³ For example, *the revised national framework for high-quality services for older people* sets as a condition for high-quality services that the client's

53 Available in Finnish at <http://www.stm.fi/julkaisut/sosiaali_ja_terveyspalvelut>.

physical, cognitive, mental, social, linguistic and cultural needs are taken into account in a client-oriented manner.⁵⁴

Swedish language

In 2008, the Ministry for Social Affairs and Health commissioned a separate *study on social and health care services provided in the client's mother tongue in bilingual municipalities*.⁵⁵ A total of 42 Swedish-speaking and bilingual municipalities reported that social and health care services were available in both Finnish and Swedish in these municipalities. In municipalities with a Swedish-speaking majority, access to social and health care services in one's own language was easier than in those with a Finnish-speaking majority. In the municipalities of Ostrobothnia with a Finnish-speaking majority, special attention has been paid to the linguistic rights of the Swedish-speaking population and the authorities' linguistic obligations. Attention is attached also to the availability of services in either language in the rural and densely populated municipalities in Southern Finland, where the percentage of Swedish-speaking inhabitants is high. Instead, in those big urban municipalities in Southern Finland where the percentage of the Swedish-speaking population is small but the number of Swedish-speakers is nevertheless high, the availability of services in Swedish is problematic despite the fact that different types of solution models have been developed and implemented. In fact, many Swedish-speakers have to settle for services in Finnish due to the lacking knowledge of languages of social and health service personnel.

In the Helsinki metropolitan area, the problems attached to the availability of services in Swedish have been acknowledged and major efforts have been and are being made to remedy the situation. In 2007, a working group assigned by the Helsinki Metropolitan Area Advisory Board to examine the provision of services in Swedish made proposals for the arrangement of such services in the area. The working group also proposed that the municipalities of the area should set up a joint citizens' service in Swedish, with the task of providing telephone guidance and other guidance. Some municipalities or joint municipal authorities have drawn up service provision commitments⁵⁶ and language programmes⁵⁷, the goal of which is to contribute to the realisation of clients' and patients' linguistic rights.

In the above-mentioned publication on services in one's own language, the realisation of linguistic rights was studied in particular within child protection, social and health care of the elderly and mental health care services. As concerns child protection, the situation differed greatly from one municipality to another regardless of whether the majority of the inhabitants of the municipality were Finnish- or Swedish-speakers. The size of the municipality and the number of child protection cases determined to a great extent the type of support measures and services needed in the municipality. Cooperation between municipalities helped to bring solutions to more rare problems. Social and health care services provided for the elderly seemed, however, to be better organised in both languages in municipalities with a Swedish-speaking majority than in those with a Finnish-speaking majority.

54 National Framework for High-Quality Services for Older People. Publications of the Ministry of Social Affairs and Health 2008:5, available at <http://www.stm.fi/julkaisut/nayta/_julkaisu/1063089#en>.

55 Marja-Liisa Kauppinen: Omakieliset sosiaali- ja terveydenhuollon palvelut kaksikielisissä kunnissa. Stakes raportteja 4/2008, available in Finnish at <<http://www.stakes.fi/verkkojulkaisut/raportit/R4-2008-VERKKO.pdf>>.

56 E.g. the cities of Lohja and Tammisaari.

57 E.g. the hospital districts of Helsinki and Uusimaa.

Even though the situation was considered satisfactory in municipalities with a Finnish-speaking majority, problems existed with the provision of services in particular due to a high turnover of the personnel and lacking language skills. The provision of service and nursing visits at patients' homes in their own language constituted the greatest challenge. Also the access to mental health services in one's own language was easier in municipalities with a Swedish-speaking majority. In these municipalities, children, adolescents and adults all had access to services with equal ease in either language. In municipalities with a Finnish-speaking majority, Swedish outpatient services targeted at children were somewhat easier to access than those directed to adolescents and adults. However, deficiencies were observed in the writing of patient records and statements in the patient's own language. A requirement of providing treatment in a patient's own language was included in outsourcing agreements in municipalities with a Swedish-speaking majority. In Finnish-speaking municipalities, no standard practice had been established.

Sámi language

In the state budget 2008, the Parliament approved an appropriation of EUR 600,000 intended for ensuring the availability of social and health care services in Sámi. The appropriation could be used for paying state support to the municipalities in the Sámi Homeland, as referred to in Section 4 of the Act on the Sámi Parliament (974/1995), via the Sámi Parliament. The fixed appropriation was to be used before the end of February 2009.

The state support is to be granted to cover costs of social and health care services provided in all the Sámi languages. The State Provincial Office of Lapland is in charge of the management of the state support focused on pre-primary education of children and care for the elderly.

The system of municipal financing and Government transfers to municipalities will be revised from 2010 onwards. In this context, a view will be expressed as to whether the annual state support earmarked for social and health care services of the Sámi will be made part of permanent municipal state support, in which the proportion of the Sámi population will be taken into account as one criterion of determination.

In the view of the Ministry of Social Affairs and Health, the provision of social and health care services in Sámi is not sufficient and bilingual professional personnel are not always available or have lacking knowledge of the Sámi. The Ombudsman for Minorities, too, has drawn attention to the fact that the preservation of the Sámi languages would require a number of various support measures in addition to the realisation of the statutory rights of the Sámi.

The Ombudsman for Minorities considers that as the population in Finland is ageing, attention should be paid also to the *situation of the elderly who speak Sámi as their mother tongue*. In the municipality of Inari, some of the personnel working with the elderly speak Sámi as their mother tongue, for instance home service staff (some of whom speak Sámi as their mother tongue), practical nurses (who speak both Skolt Sámi and North Sámi), public health nurses (one of whom speaks Skolt Sámi and one North Sámi) as well as a Skolt Sámi-speaking service coordinator.

The Ministry of Social Affairs and Health has granted an appropriation of EUR 126,800 for *a project of a unit developing social services for the Sámi in the Sámi language*. The project is implemented from 2007 to 2009. The objective of the development unit, managed by the

municipality of Inari, is to initiate the development of social services in Sámi. The unit is assigned to develop regional cooperation with various sectors of social services in the Sámi Homeland. At a later stage, also health care services may be attached to the unit. The cooperation bodies include municipalities, the Sámi Parliament, the local social welfare centre of expertise, universities, vocational educational institutions and organisations. The area of focus of the unit is the development and coordination of social services and related consultation, research and training in Sámi. The project was first launched in the field of day care and pre-primary education.

The Ombudsman for Children, established under the Ministry of Social Affairs and Health, commissioned in 2008 *a study on the wellbeing of Sámi children*.⁵⁸ Replies were received from 87 Sámi adolescents aged 13 to 18 and attending school in the Sámi Homeland. The study showed that Sámi adolescents currently have a strong Sámi identity. The situation of the children's parents was considered to be good, and the majority of the Sámi youth were happy with their school and teaching. The majority of those who replied considered that bilingualism and multiculturalism were well taken into account in schools. Some young Sámi people were concerned about the lack of facilities for young people, the small number of Sámi language radio- and TV-programmes and the small number or the total lack of Internet sites in Sámi, as well as the persisting stereotypical portrayal of the Sámi in media a way. The study also included proposals for further measures.

Sign language

The Act on Services and Assistance for the Disabled (380/1987) was amended in 2006 (1267/2006). In this context, the access to interpretation services by severely hearing-impaired, hearing-impaired and visually impaired people and people with speech impairment was improved from the beginning of 2007 onwards. By the amendment, the minimum hours of interpretation services provided for the deafblind were increased from 240 hours to 360 hours per calendar year, and the minimum hours of interpretation services provided for people with speech impairment were increased from 120 hours to 180 hours per calendar year.

The guidance and counselling required for the use of interpretation services are not included in the minimum hours of interpretation. Municipalities also have an additional duty to organise interpretation services for studying purposes. A municipality is obliged to organize such services to an extent to which they are necessary to a person with a severe disability in order for him or her to succeed in studies. The interpretation services are free of charge for the user.

The Ministry of Social Affairs and Health and the Social Insurance Institution are jointly preparing to transfer the interpretation services required by the above-mentioned Act from the municipalities to the Social Insurance Institution of Finland. The aim is to transfer the responsibility for organizing and funding the services to the Social Insurance Institution in 2010.

ARTICLE 11

⁵⁸ Minna Rasimus: Saamelaislasten hyvinvointi ja heidän oikeuksiensa toteutuminen Suomen saamelaisalueella (The Welfare of Sámi Children and the Realization of their Rights on the Sámi Homeland). Reports of the Office of the Ombudsman for Children 1:2008.

1. *The Parties undertake to recognise that every person belonging to a national minority has the right to use his or her surname (patronym) and first names in the minority language and the right to official recognition of them, according to modalities provided for in their legal system.*

2. *The Parties undertake to recognise that every person belonging to a national minority has the right to display in his or her minority language signs, inscriptions and other information of a private nature visible to the public.*

3. *In areas traditionally inhabited by substantial numbers of persons belonging to a national minority, the Parties shall endeavour, in the framework of their legal system, including, where appropriate, agreements with other States, and taking into account their specific conditions, to display traditional local names, street names and other topographical indications intended for the public also in the minority language when there is a sufficient demand for such indications.*

Sámi forenames, surnames and addresses

The use of Sámi surnames and forenames is allowed by Finnish legislation. However, due to the special symbols of the Sámi language, it is currently not possible to have names with these symbols in social insurance cards issued by the Social Insurance Institution, driver's licences or passports.

The inclusion of special Sámi symbols for instance in the above-mentioned identity documents would require the entry of the Sámi forename or surname of a person into the data system maintained by the Population Register Centre. At present, information can be entered into the Address Service of the Centre in one language only. As the Sámi language is not recognized by the Address Service, it includes addresses only in Finnish even if addresses in Sámi are simultaneously used at the locality.

For bilingual Finnish- and Swedish-speaking municipalities, addresses are always entered into the Address Service in two languages, namely in Finnish and Swedish. The possibility of entering Sámi addresses into the Address Service requires a legislative amendment.

Signs and signals

The Research Institute for the Languages of Finland has translated Finnish place names into Sámi. After the entry into force of the Sámi Language Act, Sámi place names have been printed on road signs, and municipalities have also names of roads and streets in Sámi. In 2007, a *nationwide topographical database* was published with over 11,000 place names in Sámi.⁵⁹

As to the Article in other respects, reference is made to the previous periodic report.

ARTICLE 12

59 <http://www.maanmittauslaitos.fi/Tietoa_maasta/Digitaaliset_tuotteet/Maastotietokanta/>.

1. *The Parties shall, where appropriate, take measures in the fields of education and research to foster knowledge of the culture, history, language and religion of their national minorities and of the majority.*
2. *In this context the Parties shall, inter alia, provide adequate opportunities for teacher training and access to textbooks, and facilitate contacts among students and teachers of different communities.*
3. *The Parties undertake to promote equal opportunities for access to education at all levels for persons belonging to national minorities.*

Dissemination of information about minorities within the educational system

The National Core Curriculum for Basic Education adopted in 2004, and the Curriculum for Upper Secondary Schools adopted in 2003 lay special focus on the provision of linguistic and cultural education to minorities. The National Core Curricula are norms which are binding on providers of education, such as municipalities, and are to be complied with in all respects. The Curricula are elaborated in more detail and supplemented by *local curricula*, which determine how the teaching of language and culture will be taken into account in the education of pupils belonging to minorities. The provider of education has the duty of assessing the teaching provided and of developing it with a view to solving any problems that have arisen in the education of minorities.⁶⁰ —

National inspection of study books was given up in Finland in the 1990s. A teacher thus has a wide margin of appreciation in choosing the study books and learning materials used in the teaching. The material used must however comply with the Core Curriculum in force. A teacher may not use books which violate the status of minorities.

As a part of the national anti-discrimination project entitled "*YES – Equality is priority*", funded by the Government and the European Commission, an Internet site was produced in 2008 with the goal of increasing the opportunities of adolescents and schools in particular to find information about the Sámi people and their culture. The project has been carried out in cooperation with the Sámi Parliament. In 2008, a set of teaching materials was prepared for basic education about the Sámi, and an Internet platform was created for a Sámi language network journal for adolescents. The first number of the journal came out in 2008.

As a part of the YES project, *an arctic seminar* was organised in Inari, in the Sámi Homeland, in September 2008. The seminar, organised in cooperation with the Sámi Parliament, Sámi organisations and the Sámi Education Institute, was the fourth in a series of arctic seminars. The role of language as an instrument for transferring a people's identity, history and traditions, as well as the linguistic rights of minorities were the themes of the seminar. Multiple discrimination was chosen as the theme of the annual *national diversity day conference* organised in the Sámi Homeland in 2009.

Teacher training in Sámi

In 2001, *the Giellagas Institute* established under the University of Oulu was assigned national responsibility for the provision of higher education and research in the Sámi language

⁶⁰National Core Curriculum for Basic Education 2004. Finnish National Board of Education 2004, <http://www.oph.fi/english/publications/2009/national_core_curricula_for_basci_education>.

and the Sámi culture. The University of Oulu is the only university in Finland where the Sámi language or culture may be studied as a main subject and a doctoral degree obtained. At the University of Helsinki, basic and intermediate level studies may be completed in Sámi research in *the Sámi research study programme*. After that, master's studies may be taken up with a specialization in Sámi within the Finno-Ugric language research programme.

The training of Sámi-speaking subject teachers has been supported by *special funding allocated to the Giellagas Institute* by the Ministry of Education. The Institute is in charge of coordinating subject teacher training in Sámi. Four Sámi-speaking subject teachers have graduated and eight are still in training. The training has improved the availability of Sámi-speaking teachers, but the small number of applicants makes the organisation of the training difficult. In 2009, the Institute intends to examine any new organisational needs and possibilities connected with the training in order to meet the demand for qualified subject teachers.

Fostering the education, language and culture of the Roma population

Even though the educational level of the Roma has improved in Finland to some extent, it remains rather low in comparison to the main population. As mentioned above, the Roma represent a population group within which the drop-out ratio is higher than average in basic education, after it or during the schooling after basic education. In recent years, *local projects* with funding from varying sources have been implemented across Finland with the aim of supporting the vocational training and employment of Roma and the participation of Roma children in pre-primary education.

In 2007, the Government granted a state subsidy of EUR 300,000 to 14 municipalities for the development of permanent measures to support the school attendance of Roma children. In 2008, state subsidies were granted upon application to another 15 municipalities, and further subsidies were granted to the earlier 14 municipalities. In addition, the Finnish National Board of Education has required that the municipalities receiving state subsidies participate in development training organised by the Board of Education. As its essential part, the training includes parent-teacher evenings for Roma parents, as well as efforts to develop the co-operation between home and school.

In 2004, the Finnish National Board of Education published a report on *a survey on the status of Roma children's basic education*.⁶¹ The report was based on a field survey, and the data based on statistics were compiled mainly in 2001 and 2002. According to the results, every fifth Roma pupil doubled a class, mainly in the beginning of basic education. In addition, the high absence rate of Roma pupils caused concern, and dropping out was very common. In remedial education, the ratio of Roma children and adolescents was very high in relation to the main population. In addition, many Roma children and adolescents participating in remedial education studied according to an adjusted syllabus, which does not entitle them to enter general upper secondary education or all vocational training. The number of Roma children transferred to homeschooling was also multiple when compared to the average rate. The teaching of the Roma language was scarce; only about one Roma child out of ten was taught in the Roma language. Shortcomings were found also in the cooperation between home and school, and teachers did not know the Roma culture well enough. During field

61 Romanilasten perusopetuksen tila. Selvitys lukuvuodelta 2001-2002 (The Condition of the Basic Education of Roma Children. A Report from the School Year 2001-2002). The Finnish National Board of Education 2004, available in Finnish at <http://www.edu.fi/julkaisut/romanilasten_001-060.pdf>.

projects, indirect discrimination, which is mainly manifested as a general lack of interest and transfers to remedial education, as well as direct discrimination in the form of bullying, have furthermore been established as reasons for the difficulties of Roma children in school.

After the publication of the report, special support methods aimed at Roma children and adolescents have been developed by training school assistants with a Roma background, hiring liaison workers to strengthen contacts between home and school, as well as by developing other forms of positive special treatment. Unfortunately, the support measures have thus far been established only in some locations.

From 2004 to 2007, *three extensive sub-projects were carried out under the EQUAL project to support adult education and employment possibilities for Roma people*. With funding provided by the Ministry of Labour and the ESF, Roma adult education was organised with the opportunity of finishing uncompleted basic education, participating in preparatory education and obtaining a vocational degree. Furthermore, individual study places have been purchased and training-on-the job contracts have been made within the framework of the project.

In 2009, a study will be conducted as part of the national anti-discrimination campaign in order to examine, from the viewpoint of equality, *the processes related to the transfer of children with a Roma or immigrant background or disability to remedial classes* and the consequences of such transfers.

The Roma language has not been established as an academic subject. Therefore, the training of teachers in Roma has not been considered possible.

In the view of the Ombudsman for Minorities, municipalities should raise the educational level of the Roma also by ensuring that their housing issues are solved as comprehensively as possible. The best interest of the child should be a clear principle in dealing with cases concerning Roma people, and as concerns Roma families living in unstable housing conditions, special attention should be paid to the opportunities of children to attend school.

The Advisory Board on Romani Affairs has brought up the need to increase contacts in the Roma language between the Roma and the main population. According to the Advisory Board, the Roma language is used only to a lesser extent in public contexts, mainly in radio news and in the church services that are held in the Roma language a few times a year. They have, however, increased the appreciation of the Roma language both among the Roma and the main population. The Advisory Board has proposed the launch of *a comprehensive programme for the resuscitation of the Roma language* to the Government.

The establishment of a centre of education for the Roma is discussed above on page 13.

Sign language

Since 1998, the University of Jyväskylä has provided *class teacher training in sign language*. Every three years, eight to nine students who use the sign language are admitted to the training. Within it, it is also possible to study to become a subject teacher or a study counsellor. The teacher training in sign language is intended to be extended to cover also kindergarten teacher training. Polytechnics organize training in sign language interpretation.

Production of learning materials in Sámi

The duties of the Sámi Parliament include the production of learning materials for all educational levels in North Sámi and also in Skolt Sámi and Inari Sámi. About 20 new titles of materials have come out every year, about half of them in North Sámi. The majority of the published titles are still basic education material. The needs for learning materials have grown along with the extension of teaching in Sámi. Material is also needed in electronic form, as various types of digital and network material. The Sámi Parliament has not been able to prepare much learning material directed to vocational and adult education.

Production of learning materials in Roma

The production of learning materials in Roma is discussed under Resolution 4 above.

Promotion of the Russian language and culture

Contacts made by the almost 50,000 Russian-speakers living in Finland constitute a considerable part of the matters handled by the Office of the Ombudsman for Minorities. As concerns Russian-speaking organisations, the Ombudsman for Minorities has cooperated most with the League of Russian-Speaking Associations (Venäjänkielisten Yhdistysten Liitto, SVYL).

RUSSIAinfo is a web-based information service launched by the Ministry of Education in 2003.⁶² This service, intended to gather and provide Russia-related information produced by various organisations, was opened for the public in 2005 and is maintained by the Aleksanteri Institute of the University of Helsinki.

As to the promotion of the Russian language and culture in other respects, reference is made to the previous periodic report.

Other minority groups

According to Statistics Finland, the population of Finland at the end of 2008 consisted of 4,844,047 people who spoke Finnish as their mother tongue (90.0 per cent of the population) as well as 289,951 people who spoke Swedish (5.4 per cent) and 1,778 people who spoke Sámi as their mother tongue (0.03 per cent). There were 190,538 people who spoke a language other than Finnish, Swedish or Sámi as their mother tongue (3.6 per cent of the population). The biggest foreign language speaker groups were the speakers of Russian (48,740), Estonian (22,357), English (11,244), Somali (10,647) and Arab (8,806).

The number of foreign nationals increased during 2008 by 10,548 people in total. The biggest groups of foreign citizens were the nationals of Russia (26,909), Estonia (22,604), Sweden (8,439) and Somalia (4,919). A total of 218,626 people who had been born abroad resided in Finland at that time. Thus, as a consequence of immigration, the numbers of the languages spoken and their speakers change constantly. Many of the principles underlined in the

62 <http://tatiانا.aleksanteri.helsinki.fi/index.php?GUI_language=eng>.

Framework Convention are also applicable to these minorities, which have emerged through immigration.

A working group set up by the Ministry of Education has proposed reforms to improve the opportunities of special groups, including the Roma, detainees and immigrants, to participate in basic and general upper secondary education for adults. The new programme proposal covers the years 2007-2012 and was published on 24 November 2006. According to it, the regional provision of adult education and distance learning should be developed. The reforms would take increasingly into account the special needs of minorities.

Deficiencies in the training of teachers, teaching materials and teacher's materials have been identified in the teaching of minority religions. Training has not been available for teachers of minority religions, either. However, the situation has improved, as the Department of Religion of the University of Helsinki launched a *training programme for teachers of minority religions* in autumn 2007. The programme is funded by the Ministry of Justice.

ARTICLE 13

- 1. Within the framework of their education systems, the Parties shall recognise that persons belonging to a national minority have the right to set up and to manage their own private educational and training establishments.*
- 2. The exercise of this right shall not entail any financial obligation for the Parties.*

As to Article 13, reference is made to the previous periodic report.

ARTICLE 14

- 1. The Parties undertake to recognise that every person belonging to a national minority has the right to learn his or her minority language.*
- 2. In areas inhabited by persons belonging to national minorities traditionally or in substantial numbers, if there is sufficient demand, the Parties shall endeavour to ensure, as far as possible and within the framework of their education systems, that persons belonging to those minorities have adequate opportunities for being taught the minority language or for receiving instruction in this language*
- 3. Paragraph 2 of this article shall be implemented without prejudice to the learning of the official language or the teaching in this language.*

Sámi language

Sámi may be the language of instruction in basic education and in upper secondary education, or it may be taught as the mother tongue or a voluntary or optional subject in the foreign language syllabus. If Sámi is taught as the mother tongue, the mother tongue syllabus also includes Finnish. In such cases, the mother tongue lessons are in practice divided between Sámi and Finnish.

In the matriculation examination, an examination may be taken in Sámi as the mother tongue or as a foreign language. So far, it has not been possible to take the examination with Skolt

Sámi as the mother tongue. The other parts of the matriculation examination are taken in Finnish.

The basic conditions for the provision of Sámi education in the municipalities of the Sámi Homeland are safeguarded by the Act on the Financing of Education and Culture (1998/635).⁶³ The Act took effect at the beginning of 1999. Even though the diminishing age cohorts are in the Sámi Homeland are reflected as a decline in the statistics on Sámi instruction, no major collapse has taken place in the numbers of pupils. Without special funding, the situation of the teaching in Sámi would be worse. The special funding for Sámi teaching has proven to be an incentive based on which the amount of the state subsidy received by the municipalities increases or decreases according to how much they increase or decrease the amount of instruction of the Sámi language or instruction in Sámi. In education, the linguistic rights of the Sámi are best realised in the Sámi Homeland. The practical significance of the legal provision on special funding is that the salary costs of teachers providing instruction of the Sámi language and in Sámi are in fact almost completely covered by the state subsidies.

Both progress and causes of concern are visible in the educational situation in the municipalities of the Sámi Homeland. Progress may be seen in that 1) instruction in Sámi has been extended to cover an increasing number of subjects in basic education; 2) instruction has been provided in all the Sámi languages from the beginning of the 21st century and 3) from autumn 2007, instruction in Sámi has been provided in all the municipalities of the Homeland.

Instruction in Inari Sámi has increased slightly. In 2009, a total of 11 pupils received basic education in Inari Sámi. Thus, the teaching situation remains severely endangered despite successful resuscitation measures. *Instruction in Skolt Sámi* was provided to four pupils, and the situation of the language was alarming, as no new children with Skolt Sámi as their mother tongue signed up. The number of pupils receiving *instruction in North Sámi* has remained at the same level all through the 2000s, at about 150 children. In school year 2007-2008, instruction in Sámi was received by a total of 23 pupils in the municipality of Enontekiö, 57 pupils in Inari, 71 in Utsjoki and 2 in Sodankylä. Instruction of Sámi in basic education and general upper secondary education was received by a total of 69 pupils in Enontekiö, 26 in Utsjoki, 150 in Inari and 62 in Sodankylä. Towards the upper school grades, instruction decreases in all three Sámi languages. As far as general upper secondary education is concerned, the Sámi General Upper Secondary School in Utsjoki is the only one to provide instruction also in North Sámi in some subjects.

Also *the availability of teachers teaching in Sámi* has decreased in past years. The lack of teachers affects most severely the Inari and Skolt Sámi languages and the subject instruction provided in all three Sámi languages in the highest grades of basic education.

The Ombudsman for Minorities, the Ombudsman for Children and the Sámi Parliament organised *a seminar on the Sámi language, instruction for the Sámi and the realisation of the linguistic and cultural rights of the Sámi* on 13 November 2008. At the same time, the report of the Ombudsman for Minorities on the situation of the Sámi language in the Helsinki metropolitan area and the report of the Sámi Parliament on the situation of the instruction provided for the Sámi outside the Sámi Homeland were published.

According to the Sámi Parliament, Skolt Sámi has not been able to revive in the Skolt Sámi area because of problems related to resources and the low activity of language nests. All the

63 Act on the Financing of Education and Culture, Section 43, subsection 2 (1998/635), as amended by Act 1186/1998.

three Sámi languages spoken in Finland are spoken by rather small groups of people, but Inari Sámi and Skolt Sámi in particular call for urgent and long-term support measures in order to survive.

However, according to the Sámi Parliament, Inari Sámi has been preserved much better although it used to be threatened to at least the same extent. Inari Sámi shows clear signs of revival, at least amongst the smallest children, thanks to language nests and similar activities and, first and foremost, the activities of associations and individual Inari Sámi people devoted to the resuscitation of the language. In the view of the Sámi Parliament, the stabilisation of the position of Inari Sámi calls for supplementary funding for language nest activities.

Instruction of the Sámi language outside the Sámi Homeland

Approximately one half of Finland's Sámi population live outside the Sámi Homeland. In 2007, about 38 per cent of the Sámi lived in the Homeland. A large number of children and adolescents live outside the Homeland; 59 per cent of all Sámi adolescents aged 11 to 17 years live outside it, while the corresponding figure for Sámi aged 18 to 24 years is slightly over 60 per cent. Up to 70 per cent of all Sámi children do not live in the Homeland.

The right to one's own language and culture laid down in the Constitution applies to the Sámi people living outside the Sámi Homeland, too. Unlike in respect of day care services, the Sámi Language Act does not obligate municipal authorities to organise Sámi language instruction outside the Sámi Homeland. Legislation on education does not contain provisions on the teaching of the Sámi language outside the Homeland. Such instruction may nevertheless be provided on the basis of a specific decision of the Ministry of Education. The Decree currently in force took effect in 2007.⁶⁴ According to Section 3 of the Decree, educational institutions which do not provide instruction of mother tongue for pupils speaking Sámi, Roma or a foreign language as their mother tongue as prescribed in Section 12 of the Basic Education Act and Section 8 of the General Upper Secondary Schools Act, may be granted state subsidy for such instruction for at most 2.5 weekly lessons per teaching group. The subsidy may be granted if the teaching group in question has included at least four pupils at the beginning of the term or, in course-based education, at least four pupils or students at the beginning of the course.

*The instruction of the Sámi language outside the municipalities of the Sámi Homeland is additional subject instruction and complementary to other subjects. During the school year 2007-2008, a total of 36 pupils, of whom 29 were in basic education and seven in general upper secondary education, received instruction of Sámi in the form of subject studies. Except for one Inari Sámi pupil, North Sámi was the language instructed. The Cities of Oulu, Rovaniemi and Tampere have each hired a Sámi teacher for contact instruction. In other locations, the instruction is provided online by teachers of the municipality of Inari. At the end of 2008, the Sámi Parliament published a report on the instruction for the Sámi outside the Homeland.*⁶⁵

64 Decree 392/2007 of the Ministry of Education on the criteria for granting Government subsidies for supplementary instruction in basic and general upper secondary education of pupils with foreign languages, Sámi or Roma as their mother tongue.

65 Saamen kielilain toteutuminen vuosina 2004-2006 (The Implementation of the Sámi Language Act from 2004 to 2006). The Sámi Parliament 2008, available in Finnish at

< http://www.samediggi.fi/index.php?option=com_content&task=blogcategory&id=74&Itemid=60>.

According to the Sámi Parliament, the lack of Sámi-language instruction outside the Sámi Homeland, in particular, is about to lead to an alarming situation, where the Sámi people are unable to read and write in their mother tongue, the number of Sámi-speakers plunges and the extinction of the language is accelerated. According to information provided by the Sámi Parliament, approximately more than half of Sámi children and youth in basic education do not receive instruction in Sámi language.

In 2008, the Ombudsman for Minorities studied the realisation of the rights of the Sámi in the Helsinki metropolitan area. The results of the project were reported in a publication on *the Sámi language in the Metropolitan area*.⁶⁶ According to statistical data, almost thousand Sámi live in the metropolitan area. Therefore it is important that the Sámi people's linguistic rights are realised in this area, as well. According to the report, published in Finnish and North Sámi, deficiencies exist in the provision of services for the Sámi.

Other measures for fostering the Sámi language

The position of the Sámi language is promoted also by means of general language examinations and the examination system for authorised translators.

The general language examinations are examinations directed at adults. They test language proficiency in practical situations where an adult has to speak, listen to, write or read a foreign language. It is possible to take a general language examination also in Sámi. General language examinations are based on the Act (964/2004) and the Government Decree (1163/2004) on General Language Examinations.

The position of the Sámi languages has been considered also in the *development plan for general language examinations* adopted by the Management Group of the Finnish National Board of Education at the beginning of 2007. In the development plan it is stated, among other things, that the conditions required by law for including Inari and Skolt Sámi in the general language examinations are not met at the moment.

The Sámi Parliament has observed that people with knowledge of Inari and Skolt Sámi do not currently have means to demonstrate their language skills with a general language examination in situations where knowledge of Sámi is, for instance, a competence requirement.

The Act on Authorised Translators (1231/2007) provides for a right to act as an authorised translator. The purpose of the *examination of authorised translators* is to examine the candidate's proficiency and translation skills in the language examined as well other skills needed by an authorised translator in the exercise of his or her profession. One of the translation languages must be Finnish, Swedish or Sámi.

In March 2008, at the initiative of the Sámi Education Institute (SAKK), the Ministry of Education set up a committee of senior officials to study the need to amend the Act on the Sámi Education Institute (545/1993). The working group prepared proposals for the functions of the Education Institute and the needs for revising the relevant legislation. According to the study, the Education Institute should remain a state-maintained institution under the

66 Länsman Anne: Saamen kieli pääkaupunkiseudulla (The Sámi Language within the Metropolitan Area). Publication Series of the Ombudsman for Minorities 5, 2008, available in Finnish at

<[http://www.vahemmistovaltuutettu.fi/intermin/vvt/home.nsf/files/tutkimus_netiversio_lansman/\\$file/tutkimus_netiversio_lansman.pdf](http://www.vahemmistovaltuutettu.fi/intermin/vvt/home.nsf/files/tutkimus_netiversio_lansman/$file/tutkimus_netiversio_lansman.pdf)>.

Ministry of Education, thus serving the cultural and linguistic rights of the Sámi. The current activities of the Education Institute as a provider of general adult education as well as instruction in the North Sámi, Inari and Skolt Sámi languages and cultures are important also for the preservation and development of the livelihoods and culture of the Sámi. The study was completed in February 2009, and a Government bill on the Education Institute is scheduled to be submitted in the course of 2009.⁶⁷

For the duration of its term 2008-2011, the Sámi Parliament has set up *a cooperation organ for Sámi educational affairs*, in which, in addition to the Sámi Parliament, the municipalities of the Sámi Homeland, the State Provincial Office of Lapland, the Ministry of Education and the Finnish National Board of Education are represented. The task of the cooperation organ is to develop the instruction of and in the Sámi language and to promote dissemination of information and joint projects for enhancing the instruction.

In May 2009, the Sámi Parliament proposed that the Ministry of Education launch a comprehensive programme for the resuscitation of the Sámi language. The goals of the resuscitation programme would include the development and preservation of the Sámi language.

Instruction in the Roma language

As concerns instruction of the Roma language, the situation has not changed considerably during the reporting period. Among other things, the lack of Roma language teachers and learning materials remain the core problem of the teaching of the language. Part of the state subsidies granted to municipalities by the Finnish National Board of Education is aimed at the development of the teaching of the Roma language.

A project on the *basic education of the Roma ("Romanien perusopetus 2")* is currently being carried out. The project was launched in 2007 on the basis of the survey on the status of Roma children's basic education (*"Romanien perusopetus 1"*), conducted in 2001 and 2002. It is administered by the Team for the Roma at the National Board of Education.

The project follows up the following development proposals made in the survey on the status of Roma children's basic education:

1. to develop and strengthen the identity of Roma children;
2. to increase information and awareness;
3. to prevent discrimination and exclusion;
4. to make effective use of the general forms of support;
5. to establish uniform nationwide criteria for the referral of pupils to remedial education;
6. to increase pupil counselling;
7. to strengthen the cooperation between home and school; and
8. to create networks and develop cooperation between different administrative sectors.

The project on the basic education of Roma will be continued until the end of 2009. The focal points of the final stage of the project are the cooperation between home and school and the dissemination of correct information to teaching professionals and to Roma parents. The

⁶⁷ The role, status and legislation of the Sami Education Institute. Reports of the Ministry of Education 2009:3, available in Finnish at http://www.minedu.fi/OPM/Julkaisut/2009/Saamelaisalueen_koulutuskeskus.html?lang=fi&extra_locale=en.

objective of the project is to create well-functioning support networks of teaching professionals and Roma parents.

As to the provision of instruction of the Roma language in other respects, reference is made to the previous periodic report.

Instruction in the Russian language

The Finnish National Board of Education grants *state subsidies for the teaching of mother tongue* in pre-primary, basic and general upper secondary education. In 2005, a total of 3,067 pupils or students received instruction of the Russian language funded with this subsidy. From the beginning of 2006, the number of weekly lessons in the Russian language as the mother tongue rose from two to two and a half.

According to the Finnish Association of Russian-speaking Organisations, less than half of Russian-speaking pupils participate into instruction of the Russian language as the mother tongue. In 2005, 3,067 pupils out of approximately 8,000 pupils with Russian as the mother tongue learned Russian as the mother tongue in school.

In 2008, the Office of the Ombudsman for Minorities conducted *a survey on the circumstances of the Russian-speaking population in Finland*.⁶⁸ Part of the material was based on interviews conducted by a Russian-speaker hired for this purpose. Available statistical data were also collected in order to study the structure and placement of the Russian-speaking population in Finland. The survey examined the situation of the Russian language and the instruction provided in Russian, the position of Russian-speakers in working life and as users of public services, and their experiences on Finns' attitudes towards them. The results of the survey were reported in Finnish and Russian.

According to the Universities Act (645/1997), universities are free to use additional languages alongside Finnish or Swedish as the language of instruction and examination. Also the Polytechnics Act (351/2003) provides that a language other than the instruction language of the polytechnic may be used in instruction and examinations, if necessary. English has a very strong position in the foreign language education of universities and polytechnics. It is the language of studies also in the master's programmes under the *Finnish-Russian Cross-Border University (the CBU) project*. In the framework of the CBU, Finnish and Russian universities cooperate to provide master's programmes in different fields of education. The goal of the project is to increase cooperation between Finnish and Russian universities. In addition to five Finnish universities, four Russian ones organise CBU master's programmes.

Instruction in Finnish in the Province of Åland

In 2007, there were 27,153 people living in Åland, 1,367 of which were Finnish-speakers.⁶⁹ —

According to Section 40 of the Act on the Autonomy of Åland (1144/1991), the language of education in schools maintained by public funds or subsidised from the said funds must be

68 Jekaterina Tantu: Venäjänkielisenä Suomessa. Selvitys vähemmistövaltuutetulle. Vähemmistövaltuutettu 2009, available in Finnish at <<http://www.vahemmistovaltuutettu.fi>>.

69 ÅSUB Statistisk årsbok 2008 (Statistical yearbook of Åland 2008). Statistics Åland 2008.

Swedish, unless otherwise provided by an Act of Åland. The Government bill for the Act (HE 73/1990) states that the term "school" also refers to schools other than those maintained for compulsory schooling, such as pre-primary schools. According to Section 17(4) of the Basic Education Act of the Province of Åland (1995:18), children who have a mother tongue other than Swedish shall, as far as possible, be provided with supportive instruction in their mother tongue on a fixed-time basis. The Ålandic society is open to seek special solutions for providing instruction for the Finnish population.

The health care services available in Finnish have well met the needs of the Finnish population group, as have the radio and TV programmes transmitted in Finnish.

Karelian language

The Society for the Karelian Language has, on its own initiative, informed the Government about the Karelian language and the activities of the Society. The purpose of the Society is to increase interest in the Karelian language and to support research and publishing aimed at preserving and developing the language as well as studies and leisure activities related to the language. The Society has pointed out that although there are approximately 5,000 active speakers of Karelian in Finland, they are not recognised as a separate ethnic group. Further, the Karelian language is regarded as a Russianised Finnish dialect, and the Karelian culture of traditions is regarded as Finnish culture.

Day care

According to the Sámi Language Act (1086/2003) and the Child Day Care Act (1981/875), Sámi-speaking children have the right to day care in Sámi in the entire country.

In 2007, the municipalities of the Sámi Homeland organised Sámi language day care for children as follows: in one group family day care home in Enontekiö, in North Sámi group family day care homes in Inari and Ivalo, in an Inari Sámi language nest organised by outsourcing, in an Inari Sámi day care group in Ivalo, as well as in day care and child protection provided in Sámi in Utsjoki. The day care was organised with funds allocated for ensuring the availability of social and health care services in Sámi.

In 2007, the municipality of Inari surveyed the need for language immersion activities in Skolt Sámi, by means of an appropriation of EUR 2,000 allocated to it for ensuring the availability of social and health care services in Sámi. In June 2008, *language nest activities in Skolt Sámi* were launched in Inari, providing group family day care and 8 + 2 day care places. The language nest has two employees. At the moment, nine children are in day care in the language nest, six of them under school age and three at school age. The language nest, too, is financed by the state subsidy allocated for the production of social and health care services in Sámi.

Slightly less than 1,000 Sámi live in the Helsinki metropolitan area. Sámi parents living in the area consider that the transmission of the Sámi language and culture to their children is important and hope that their children receive day care in Sámi. In 2007, day care in Sámi within the metropolitan area was organised in Vantaa, where two children were members of *a Sámi language club* run by the Pikku-Prinssi day care centre operated jointly by the cities of Helsinki and Vantaa. The activities of the club ended, however, after 2007, when the children

moved to another municipality. Decisions issued by the National Discrimination Tribunal of Finland concerning the implementation of Sámi language day care services are discussed under Article 6 above.

According to the Swedish Assembly of Finland, the need for day care services in Swedish is on the increase because of a migration trend to Southern Finland and, in particular, to the metropolitan area. The Assembly considers that the greatest problem attached to the provision of day care services in Swedish is a lack of qualified Swedish-speaking day care personnel.

According to the League of Russian-Speaking Associations, all Russian-speaking or Finnish-Russian day care centres are private ones. In 2008, eight such day care centres functioned within the Metropolitan area, three of which had concluded an outsourcing agreement with the city of Helsinki. Altogether these centres had about 153 places for regular day care. Since 2002, the City of Vantaa has purchased day care services in Russian from one and, since 2006, from two day care centres. As a rule, there have been three groups for children, and the number of day care places has been about 50. There are Russian-speaking day care centres in Turku, Joensuu and Kotka as well.

As to the provision of day care services for children in other respects, reference is made to the previous periodic report.

ARTICLE 15

The Parties shall create the conditions necessary for the effective participation of persons belonging to national minorities in cultural, social and economic life and in public affairs, in particular those affecting them.

Support to minority cultures

Support to minority cultures is discussed above, inter alia, in connection with Article 5.

Political representation

According to Section 2 of the Constitution of Finland, democracy entails the right of the individual to participate in and influence the development of society and his or her living conditions. Further, according to Section 14, every Finnish citizen who has reached eighteen years of age has the right to vote in national elections and referendums. Also, every Finnish citizen and every foreigner permanently resident in Finland and having attained eighteen years of age, has the right to vote in municipal elections and municipal referendums.

Politically active persons who belong to a minority are free to be members of the parties of their choice. As a rule, the minorities in Finland have not organised as a political party for the advancement of their interests. The party programme of the Swedish People's Party (*Svenska folkpartiet*), established in 1906, however, includes the promotion of the linguistic and social position of the Swedish-speaking Finns' bilingual minority. All the parliamentary parties that organise activities in Swedish are also represented in the Swedish Assembly of Finland, which is an organisation overseeing the interests of the Swedish-speaking population.

No statistical data is available on the political participation of persons belonging to a minority, since in Finland statistics are not compiled on the basis of ethnicity. The Population Register Centre registers personal data including e.g. a person's name, social security number, address, nationality and native language, information related to his or her family relations as well as birth and death, but no data on the person's ethnic origin or political orientation. Data protection legislation prohibits the registration of sensitive personal data which are intended to describe such details as a person's race or ethnic origin.⁷⁰

Roma people have been candidates for all elections other than presidential elections. So far, a person with a Roma background has not been elected to the Parliament or the European Parliament. In the 2008 municipal elections, there were more Roma candidates than ever before. According to the Advisory Board on Romani Affairs, a total of over 20 people with a Roma background were candidates in the municipal elections across the country, and at least six of them were elected in municipalities of varying sizes. Roma people are participating increasingly in the activities of different parties, too.

In 2007, the League of Russian-speaking Associations contacted the Ombudsman for Minorities, bringing up among other issues the participation of new Finns with an immigrant background in representative democracy and their marginal share in parties. The League participates into the work of the Advisory Board for Minority Issues and considers this to broaden its possibilities to be heard in societal decision-making.

The different population groups are represented through their organisations in the multiculturalism boards or committees of the largest cities.

As to the political representation of the minorities in other respects, reference is made to the previous periodic report.

Hearing of minorities in decision-making

During the preparation of legislation and debates in parliamentary committees, different minorities have been heard more than before. The hearing has taken place in different ways but, in most cases, minorities have been heard by the relevant advisory boards.

The Standing Orders of Parliament (40/1999) provide for the hearing of representatives of the Sámi in connection with the preparation of a bill or another matter which pertains specifically to the Sámi.

In its capacity of an interest group, the Swedish Assembly in Finland issues statements on matters affecting the interests of the Swedish-speaking minority. The Assembly has been requested to submit a statement for instance on the reform of the district court system, the development of the prosecution service, the reform of the police administration, the expansion of the sphere of authority of registry offices, and the project established by the state to reform local administration. However, the Swedish Assembly has pointed out that the authorities' practice of requesting statements has not been consistent. Where necessary, the Assembly has made statements on matters considered important by it on its own initiative.

⁷⁰ Personal Data Act (523/1999), Section 11. The prohibition is not an absolute one, as sensitive data may be processed on the conditions laid down in the Act or by a Degree. Different provisions apply to the publicity of sensitive data.

The Parliamentary committees call the Advisory Board on Romani Affairs to a hearing when dealing with bills that directly or indirectly affect the legal and social position of the Roma. The Advisory Board regards that the parliamentary system does not ensure minorities a regular possibility to participate. Therefore, in the view of the Advisory Board, a committee specialised in the rights and obligations of the minorities should be set up under one of the parliamentary committees.

The Advisory Board for Ethnic Relations is discussed under Article 6 above.

National Policy on Roma

The preparation of *the National Policy on Roma* was launched on 1 January 2009, as a working group assigned by the Ministry of Social Affairs and Health started its work. The policy aims at the equality and participation of persons belonging to the Roma minority in different areas of life and applies to all sectors of administration. It is being prepared in cooperation in a working group consisting of representatives of Roma organisations, various administrative sectors and other bodies with a close interest in the matter. Half of the members of the working group are Roma. The launch of the policy was motivated by an initiative and preparatory work by the Advisory Board on Romani Affairs. Non-governmental organisations representing the Roma and the Office of the Ombudsman for Minorities also participated in the work.

The National Policy on Roma consists of the following sectors:

1. increase of the participation and equality of Roma children in early childhood and pre-primary education;
2. increase of the participation and equality of Roma children and adolescents in basic education and vocational studies;
3. increase of the participation and equality of the Roma in adult education and training and development of structures for adult education and training directed to the Roma;
4. promotion of employment of the Roma;
5. promotion of health and increase of participation in social and health care services;
6. promotion of the Roma language and culture;
7. promotion of equality and increase of participation in matters related to housing, the police, and correctional treatment of Roma detainees;
8. eradication of discrimination and insecurity;
9. institutional establishment of the administration of Roma affairs; and
10. activities related to the EU and other international activities in matters related to the Roma.

The mandate of the working group preparing the National Policy on Roma will expire in autumn 2009.

ARTICLE 16

The Parties shall refrain from measures which alter the proportions of the population in areas inhabited by persons belonging to national minorities and are aimed at restricting the

rights and freedoms flowing from the principles enshrined in the present framework Convention.

Reform Project for Regional Administration

The reform of the regional state administration is based on the policy definitions set out in the Government Programme. It has been prepared under *the reform project for regional state administration (ALKU)* established by the Minister of Public Administration and Local Government in June 2007. The goal of the administration reform project is to improve the regional state administration in terms of sensitivity to citizens' and clients' needs, results and effectiveness. The project's mandate will be in force until the end of 2009.

On 23 April 2009, the Government endorsed the contents of the legislative package on a reform of the regional state administration. The purpose of the reform project is to lay a legislative foundation for the functions of new authorities that are intended to be established for regional state administration. The Government bill (Government bill 59/2009 vp.) was submitted to the Parliament in April 2009. The Acts in question are intended to enter into force as from the beginning of 2010.

According to the government bill, the new multi-administrative authorities would be the Regional State Administrative Agencies and the Centres for Economic Development, Transport and the Environment. The tasks currently assigned to six groups of regional state authorities, i.e. the provincial offices, the employment and economic centres, the regional environmental centres, the environmental permit agencies, the road districts and the occupational health and safety districts, would be assembled under these authorities. The purpose of the bill is to strengthen the role of the regional councils, increase their tasks related to regional development, and promote cooperation between the regional state administration and the regional councils.

As stated in the bill, the Regional State Administrative Agencies are intended to promote regional equality by carrying out implementation, guidance and monitoring in relation to legislation in the regions. Similarly, the Centres for Economic Development, Transport and the Environment are designed to promote regional development by performing the state's implementation and development tasks in the regions. The guidance of the new regional state administration authorities will be carried out by closer and more systematic cooperation with the relevant ministries, and therefore the strategic and operational guidance will be strengthened.

The Government bill contains provisions that purport to safeguard the realisation of linguistic rights and to ensure the provision of administrative services to the citizens in the two national languages and in Sámi in the future, as well.

The Advisory Board on Romani Affairs has pointed out a need to ensure continued activities of the regional Advisory Boards on Romani Affairs in conjunction with the reform of the State Provincial Offices.

The Sámi Parliament regards that it has not been heard to a sufficient extent in connection with the preparation of the matter.

The Swedish Assembly in Finland has observed that the Government bill on the reform of the regional state administration did not include a linguistic impact assessment. The Assembly considers that the reform will have far-reaching effects on the realisation of the language rights and legal protection of the population. The Parliament's Constitutional Committee will address the reform during the year 2009.

Act on the reform of the structure of municipalities and their services

The safeguarding of linguistic rights has been included in the provisions of the Act on Restructuring Local Government and Services (Framework Act; 169/2007). According to Section 1 of the Framework Act, when planning and implementing measures in accordance with the Act, authorities must take account of, among other issues, the rights of the Finnish- and Swedish-speaking populations to use their own language and have access to services in this language. When planning and implementing such measures, authorities must also take into consideration the linguistic rights of the Sámi and the Sámi people's rights to maintain and develop their own language and culture as an indigenous people, as well as the Sámi people's linguistic and cultural autonomy in the Sámi Homeland.

According to Section 5(4) of the Framework Act, the conditions prescribed for the constitution of municipalities and cooperation areas can be deviated from for the purpose of safeguarding the linguistic rights of the Swedish- or Finnish-speaking inhabitants. According to Section 6 of the Act, bilingual and monolingual Swedish-speaking municipalities must also be members of joint municipal authorities the task of which is to safeguard the provision of services in the Swedish language in its member municipalities in accordance with a specific distribution of duties.

The Swedish Assembly has brought up its concern for the safeguarding of the linguistic rights of the Swedish-speaking inhabitants in municipalities in conjunction with the municipal reforms.

ARTICLE 17

- 1. The Parties undertake not to interfere with the right of persons belonging to national minorities to establish and maintain free and peaceful contacts across frontiers with persons lawfully staying in other States, in particular those with whom they share an ethnic, cultural, linguistic or religious identity, or a common cultural heritage.*
- 2. The Parties undertake not to interfere with the right of persons belonging to national minorities to participate in the activities of non-governmental organisations, both at the national and international levels.*

With regard to this Article, reference is made to the previous periodic report.

ARTICLE 18

- 1. The Parties shall endeavour to conclude, where necessary, bilateral and multilateral agreements with other States, in particular neighbouring States, in order to ensure the protection of persons belonging to the national minorities concerned.*
- 2. Where relevant, the Parties shall take measures to encourage transfrontier co-operation.*

The Nordic Sámi Convention

A group of experts who prepared *a draft for a Nordic Sámi Convention* submitted its report to the ministers in charge Sámi affairs in Finland, Sweden and Norway (the Sámi ministers) and the presidents of these countries' Sámi Parliaments (the Sámi presidents) in their annual meeting in Helsinki on 16 November 2005. The expert group was composed of two members and two deputy members from each country. One of the members and deputies were nominated by the Sámi Parliament of the country in question.

According to the cover note of the report, the matters dealt with in the report by the expert group differed very much from each other by nature. Due to differences in views within the group, some of the wordings included in the draft were compromises between these views. The cover note also states that the members appointed by the Finnish Government had difficulty in accepting some parts of the Convention. The group wished, however, that it would reach common positions also in difficult issues, and therefore no dissenting opinions or alternative proposals were left in the report.

A national round of statements was organised with regard of the report in each of the three countries. Based on the feedback from the round of statements, the draft Convention does not seem readily acceptable as such in Finland, Sweden or Norway. However, the draft Convention was seen to make up a good point of departure for actual negotiations on a Convention.

The annual meeting of Sámi ministers and Sámi presidents was held in Helsinki on 12 November 2008. As in previous years, the meeting also discussed the further preparation of the Nordic Sámi Convention and noted that it was lagging. The meeting unanimously decided to continue the work by finding out in the course of 2009 on which basis and in which way any possible negotiations for a Convention should be carried out in practice.

On 8 January 2009, the Ministry of Justice set up *a working group with the task of assessing the relation between the draft Convention and the Finnish Constitution and other domestic legislation and the international human rights obligations binding on Finland*. The working group is expected to submit its report in autumn 2009. A proposal on the procedure for continuing negotiations is expected by the following meeting of the Sámi ministries and presidents scheduled to be held in November 2009.

As to the Article in other respects, reference is made to the previous periodic report.

ARTICLE 19

The Parties undertake to respect and implement the principles enshrined in the present framework Convention making, where necessary, only those limitations, restrictions or derogations which are provided for in international legal instruments, in particular the Convention for the Protection of Human Rights and Fundamental Freedoms, in so far as they are relevant to the rights and freedoms flowing from the said principles.

There is nothing to report in respect of this Article.

APPENDIX I

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APPENDIXES TO THE REPORT

The following relevant pieces of legal instruments and draft legislations are annexed to the third periodic report of Finland on the implementation of the Framework Convention for the Protection of National Minorities in line with the Committee of Ministers' Outline for the State Reports (ACFC/III(2008)001, para.7).

All legislative instruments mentioned in the periodic report are available in an electronic format at <www.finlex.fi>.

Act on Restructuring Local Government and Services (*laki kunta- ja palvelurakennemuutoksesta, lag om en kommun- och servicestrukturreform; 169/2007*)

Act on the Financing of Education and Culture (*laki opetus- ja kulttuuritoimen rahoituksesta, lag om finansiering av undervisnings och kulturverksamhet; 635/1998*), amended by Act 1186/1998

Act on the Ombudsman for Minorities and the National Discrimination Tribunal of Finland (*laki vähemmistövaltuutetusta ja syrjäntälautakunnasta, lag om minoritetsombudsmannen och diskrimineringsnämnden; 679/2008*)

Act on Yleisradio Oy (the Finnish Broadcasting Company, 1380/1993), as amended by Act 635/2005

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Decree on the Advisory Board for Ethnic Relations (*statsrådets förordning om delegationen för etniska relationer; 352/2008*)

Degree on Press Subsidies (*valtioneuvoston asetus sanomalehdistön tuesta, statsrådets förordning om stöd för tidningspressen; 389/2008*)

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Language Act (423/2003)

Non-Discrimination Act (690/2008)

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APPENDIX II

985th meeting – 31 January 2007

Appendix 5 (Item 4.7a)

Resolution ResCMN(2007)1 on the implementation of the Framework Convention for the Protection of National Minorities by Finland

(Adopted by the Committee of Ministers on 31 January 2007
at the 985th meeting of the Ministers' Deputies)

The Committee of Ministers, under the terms of Articles 24 to 26 of the Framework Convention for the Protection of National Minorities (hereinafter referred to as "the Framework Convention");

Having regard to Resolution (97) 10 of 17 September 1997 setting out rules adopted by the Committee of Ministers on the monitoring arrangements under Articles 24 to 26 of the Framework Convention;

Having regard to the voting rule adopted in the context of adopting Resolution (97) 10;¹

Having regard to the instrument of ratification submitted by Finland on 3 October 1997;

Recalling that the Government of Finland transmitted its state report in respect of the second monitoring cycle under the Framework Convention on 10 December 2004;

Having examined the Advisory Committee's second opinion on Finland, adopted on 2 March 2006, and the written comments of the Government of Finland, dated 22 August 2006;

Having also taken note of comments by other governments,

1. Adopts the following conclusions in respect of Finland:

a) Positive developments

Finland has continued to take various commendable measures to implement the Framework Convention. Important legislative developments include the adoption of the new Language Act and of the Sami Language Act, which contain significant guarantees for the protection and promotion, respectively, of the Swedish and Sami languages.

The development of new anti-discrimination legislation, coupled with increased monitoring and awareness-raising in this field, is also to be welcomed. The establishment of the Office of the Ombudsman for Minorities is another significant step that has already contributed to the protection of minorities in Finland. New measures have been taken to promote integration, taking into account the growing diversity of Finnish society.

Finland has expanded further its consultative structures designed to address concerns of national minorities, including by setting up permanent regional advisory boards for Roma affairs. Valuable initiatives have also been started to address the specific challenges faced by the Russian-speaking population in Finland.

There is a growing recognition of the importance of various aspects of the Sami culture in Finland and welcome steps have been taken to strengthen Sami language education in the Sami Homeland. New important developments concerning Sami are under way, including the drafting of a Nordic Sami Convention.

¹In the context of adopting Resolution (97) 10 on 17 September 1997, the Committee of Ministers also adopted the following rule: "Decisions pursuant to Articles 24.1 and 25.2 of the Framework Convention shall be considered to be adopted if two-thirds of the representatives of the Contracting Parties casting a vote, including a majority of the representatives of the Contracting Parties entitled to sit on the Committee of Ministers, vote in favour."

Radio programmes in minority languages, while limited in their scope, have become important tools in the promotion and protection of minority cultures.

b) Issues of concern

A range of initiatives has been launched to improve inter-ethnic dialogue, but there are still signs of negative attitudes amongst segments of the population towards minorities, including disconcerting reports about manifestations of intolerance in Finnish schools as well as on Internet.

Disputes over land rights in the Sami Homeland have become increasingly acute as the delays in finding solutions to the open issues have continued in spite of recent efforts to introduce pertinent legislation.

The authorities' efforts to support minority language print media, including in the Sami languages, have limited scope and do not sufficiently meet the needs expressed. There also remains a need to develop further the minority language public service broadcasting in order to accommodate the existing demand, inter alia, for children's programmes in the Sami languages.

There are capacity problems and other shortcomings in the implementation of the new language laws covering Swedish and Sami in certain key sectors such as the judiciary. Russian-speakers report linguistic obstacles affecting their access to social services.

Despite some positive initiatives, the availability of education in Russian is limited. This is also the case as regards Sami language education outside the Sami Homeland. For Roma pupils, the limited scope of Roma language education is coupled with other problems, such as their disproportionate presence in special education.

The present participation and consultation arrangements on minority issues need to be developed further, for example, as regards the allocation of cultural support for minority organisations. Proposals to introduce a specific consultation structure for the Russian-speaking population have not been endorsed by the authorities. The Sami Parliament, while frequently consulted, is not satisfied with the way the authorities implement the negotiation obligation.

Despite improved legislative guarantees against discrimination, there are still various shortcomings and practical problems in this domain, including persisting incidents of discrimination of Roma and persons belonging to other minorities in various spheres, including in the provision of services.

A number of questions that have been raised concerning the personal scope of application of the Framework Convention in Finland would benefit from increased dialogue between the authorities and representatives of the groups concerned.

2. Adopts the following recommendations in respect of Finland:

In addition to the measures to be taken to implement the detailed recommendations contained in chapters I and II of the Advisory Committee's opinion, the authorities are invited to take the following measures to improve further the implementation of the Framework Convention:

- address shortcomings encountered in the implementation of the new language laws, which pertain to Swedish and the Sami languages. Take into account the language situation of the Russian-speakers in the provision of public services;
- take rapid measures to address disputes over the ownership and use of land in the Sami Homeland, through negotiation with the Sami Parliament and others concerned;

- encourage further development of minority language media and review the current subsidy system with a view to ensuring that it takes into account the specific situation of minority language print media;
- expand the availability of minority language education - including Russian, Roma as well as the Sami languages outside the Sami Homeland - and step up efforts to address various problems faced by Roma in the educational system;
- improve further the participation and consultation arrangements on minority issues, including with regard to the Russian-speaking population;
- improve minority participation in the allocation of cultural support for minority organisations;
- ensure that the authorities' legal obligation to negotiate with the Sami Parliament is strictly honoured in the relevant questions;
- reinforce action against incidents of discrimination and manifestations of intolerance, including in schools, and counter these phenomena with the tools available;
- further the dialogue on the personal scope of application of the Framework Convention with those concerned.

3. Invites the Government of Finland, in accordance with Resolution (97)10:

- a. to continue the dialogue in progress with the Advisory Committee;
- b. to keep the Advisory Committee regularly informed of the measures it has taken in response to the conclusions and recommendations set out in section 1 and 2 above.

